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PUBLIC DOMAIN
of
GEORGIA

S. G. McLENDON

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HISTORY

Of The

PUBLIC DOMAIN

of

GEORGIA

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By S. G. McLENDON

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ATLANTA, GA., FEBRUARY, 1924.

DEDICATION

In grateful acknowledgment for the great kindness of the people of Georgia to the author, this History of the Public Domain of Georgia is dedicated to the young men and young women of this Imperial State, with the admonition, "Know ye the Truth and the Truth shall make you free."

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INTRODUCTION

Georgia's distinguished Secretary of State has put the commonwealth under Roman tribute to his amazing research, in a work which he now commits to the keeping of cold type, entitled a "History of the Public Domain of Georgia." It has been not only with very deep interest but with something of a thrill that I have read in manuscript these fascinating chapters—to me, a source of endless delight because of the vivid illumination which they give to an early period of the state's history, hitherto veiled in legendary mists. The Discoveries which Mr. McLendon has made are positively startling. I make this statement advisedly, and with full knowledge of the import which attaches to words. Concerning the Yazoo Fraud and the period to which it belongs, there have been many vague and nebulous notions, but very little definite information. He has clarified the atmosphere and brought to light an extraordinary condition of affairs. Having access to all the early land grants and other records of the state, he has brought to his task the keen insight and the discriminating intelligence of the antiquarian.

With this result: that, after more than a century's flight, opinions which have long prevailed and which, by constant repetition, have acquired all the sanctity which an unchallenged tradition gives to ancient error, must be revised—nay, uprooted. Reputations which have long been darkened by eclipse—upon which the shadow of suspicion has rested since the infancy of our government—have been cleared by established facts. We are permitted to see them in a true adjustment to the period in which they figured, and to understand more

fully the era in which they appeared upon the stage of political events. From more than one shield the bar-sinister has been erased.

In this age of colossal real estate transactions, it is easy enough, with the disclosures of this book before us, to gauge the comparative worthlessness of vast, uncultivated areas, at a time when the savage redskins still roamed the forest, when the power of steam applied to navigation was a thing unrealized, either on the land or on the water, and when telegraphy was an art unknown to the imagination of the wildest dreamer. The days of Gunn and of Jackson are brought to mind once more; and in the light of this narrative we can better understand them;—better understand a much-maligned old Governor; and better understand scores of others, who moved in the maze of this perplexing period, including the Watkinses and the Waltons.

But the history written by Mr. McLendon speaks for itself. There is no effort to employ the devices of rhetoric. It is a straightforward tale which the Secretary of State tells, but it reads like a romance because the facts themselves are electrical with interest, charged with the magic of a great discovery; and there is little need of garnishing adjectives. Verily, our Secretary of State has made good use of his time since becoming the custodian of the State's Great Seal.

The average Georgian will be astounded. Even historians are ignorant of the facts which this painstaking investigator has unearthed. Besides bringing the Yazoo Fraud into bolder and clearer relief, the Secretary of State's book throws light upon various other topics relating to the Public Domain of Georgia. It will both charm and instruct the general reader and will be of priceless value to lovers of history, to lawyers, educators, divines and men of thought, and to an army of

students in Georgia's high schools, colleges and universities.

It is a wonderful contribution to the state's history which Mr. McLendon has made;—a wonderful contribution to Americana. Such a book is sure to find its way into the great libraries of the country, North and South, and to prove of absorbing interest to savants abroad. This may sound like intemperate praise; but it is far easier to undervalue than to overestimate the importance of a work such as this rare student has given us in his unique History of the Public Domain of Georgia.

LUCIAN LAMAR KNIGHT, LL.D., F.R.S.,
State Historian of Georgia.

STATE OF GEORGIA.

Department of Education.

Atlanta.

—

N. H. Ballard,
State Superintendent of Schools.

—

January 2, 1924.

Hon. S. G. McLendon,
Secretary of State,
State Capitol.

Dear Sir:—

I appreciate your kindness in permitting me to read the manuscript of the result of your research among the early Land Courts of Georgia. It throws not only further but more light on that period of our State's history in which we are still so much in the dark. You are to be congratulated upon the results of your painstaking research and exploration among the early archives of Georgia. It will give to us a key whereby we will be enabled to ascribe correct motives to many acts of Georgians at that period which had been heretofore a complete riddle to us. It clarifies the situation as to the Yazoo Fraud and we can the better understand the acts of Matthews, Gunn and Jackson.

Again expressing my personal thanks for this great contribution to Georgia history, I am,

Sincerely yours,

(Signed) N. H. BALLARD,

State Superintendent of Schools.

Chapter I.

TITLES ACQUIRED FROM CREEK AND CHEROKEE INDIANS.

When Oglethorpe landed at Yamacraw Bluff in February, 1733, he and the Trustees held a grant from the British Crown to a very large territory extending from the mouth of the Savannah River to the head of the northernmost branch of the same, which happened to strike the 35th parallel of north latitude, and thence on a straight line to the Mississippi River. The southern boundary was to follow the Altamaha River from its southernmost branch to its source, and thence on a straight line to the Mississippi River.

The Trustees pursued a very wise course in dealing with the Indians, who were the actual owners of the soil and in actual possession of the same. In October, 1733, the chiefs of the Creek nations, that is the lower Creek, all assembled at Savannah and there entered into a treaty with Oglethorpe, the interesting parts of which are as follows:

"Fourthly—We, the head men of the Coweta and Cuseta towns, in behalf of all the lower Creek nation, being firmly persuaded, that he who lives in Heaven and is the occasion of all good things, has moved the hearts of the trustees to send their beloved men among us, for the good of our wives and children, and to instruct us and them in what is straight, do therefore declare that we are glad that their people are come here; and though this land belongs to us (the lower Creeks), yet we, that we may be instructed by them, do consent and agree, that

they shall make use of and possess all those lands, which our nation hath not occasion to use; and we make over unto them, their successors and assigns, all such lands and territories as we shall have no occasion to use; provided always, that they upon settling every new town, shall set out for the use of ourselves, and the people of our nation, such lands as shall be agreed upon between their beloved men, and the head men of our nation, and that those lands shall remain to us forever."—M'Call, 358-359.

It will be noted that in this treaty no boundary lines are given of lands ceded by the Creeks to the British. The treaty simply provides that, "We make over unto them, their successors and assigns, all such lands and territories as we shall have no occasion to use; provided always, that they, upon the settling of every new town, shall set out for the use of ourselves and the people of our nation, such lands as shall be agreed upon between their beloved men and the head men of our nation, and that these lands shall remain to us forever."

The last paragraph of this treaty made with Oglethorpe contains the following pledge on the part of the Creek nation:

"Lastly—We promise with stout hearts and love to our brothers, the English, to give no encouragement to any other white people but themselves, to settle amongst us, and that we will not have any correspondence with the Spaniards or French, and to show that we both for the good of ourselves, our wives and children, do firmly promise to keep the talk in our hearts, as long as the

sun shall shine or the waters run in the rivers.''—M'Call, 360.

At a treaty concluded at Coweta Town, which was 400 miles from Frederica, General Oglethorpe conferred with the deputies of the Creeks, Cherokees and Chehaws. This meeting of 1739 is of interest to Georgians in that the treaty made with Oglethorpe at Savannah in 1733 was ratified as follows:

''The whole estates declared by general consent, without one negative, that they adhered to their ancient love to the king of Great Britain, and to their agreement made in the year 1733, with the trustees, for establishing the colony of Georgia in America.''—M'Call, 364.

Further reference was made as follows:

''And they do acknowledge the grant they have already made to the trustees, establishing the colony of Georgia in America, of the lands upon Savannah river, as far as the river Ogeechee, and all the lands along the seacoast, as far as the river St. John's, and as high as the tide flows, and all the islands as far as the said river, particularly the islands of Frederica (meaning St. Simon's), Cumberland and Amelia, to which they have given the names of his majesty, King George's family, out of gratitude to him.''—McCall, 365-366.

In the general assembly of the Indians at Coweta Town in 1739, the boundary line of the lower Creek nation was set out as follows:

''The said estates further declared, that all the dominions, territories and lands from the river Savannah to

the river St. John's, and all the islands between the said rivers; and from the river St. John's to the bay of Appalache, within which is the Appalache Oldfields; and from the said bay of Appalache to the mountains, doth by ancient right belong to the Creek nation, who have maintained possession of the said right against all opposers, by war, and can show the heaps of bones of their enemies, slain by them in defense of said lands."—M'Call, 364-365.

The treaty made at Savannah in 1733 and the declaration made by the Creeks, at the Convention in 1739 at Coweta Town, are the only reference to the rights of title and occupancy vested by the Indians in the Trustees.

In 1763, at Augusta, Georgia, there was a Congress, or Convention, which was attended by 700 Indians, representing all the southern tribes, and Governor Wright, of Georgia; Governor Dobbs, of North Carolina; Governor Boone, of South Carolina, and Lieutenant-Governor Francis Fauquier, of Virginia.

A treaty was agreed upon and duly signed on the 10th of November, 1763, and Article 4 related particularly to the boundary line of Georgia. Article 4 was as follows:

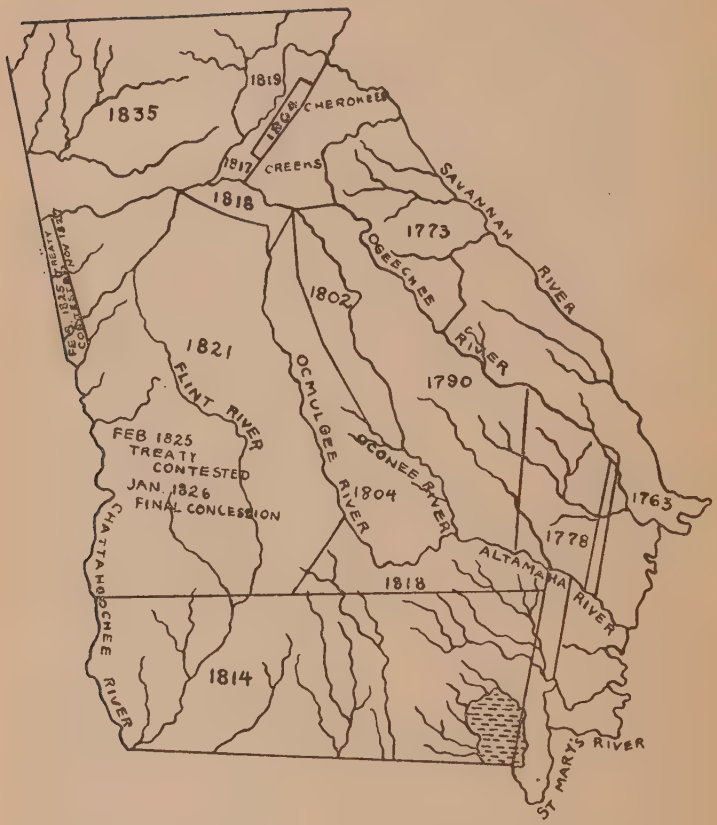
"Whereas, Doubts and Disputes have frequently happened on account of Encroachments or supposed encroachments committed by the English Inhabitants of Georgia on the lands or hunting grounds reserved and claimed by the Creek Indians for their own use.

"Wherefore, to prevent any mistakes, Doubts or Disputes for the future and in consideration of the great marks of Clemency and Friendship extended to us the said Creek Indians. We, the King's Head Men and

Warriors of the several Nations and Towns of both Upper and Lower Creeks, by Virtue and in pursuance of the full Right and Power which we now have and are possessed of Have consented and agreed that for the future the Boundary between the English Settlements and our Lands and hunting Grounds shall be known and settled by a Line extending up Savannah River to Little River and back to the Fork of Little River to the Ends of the South Branch of Briar Creek and down that Branch to the Lower Creek Path and along the Lower Creek Path to the Main Stream of Ogeechee River and down the Main Stream of that River just below the Path leading from Mount Pleasant and from thence in a Line cross to Santa Savilla on the Matamaha River and from thence to the Southward as far as Georgia extends or may extend to remain to be regulated agreeable to former Treaties and His Majesty's Royal Instruction a copy of which was lately sent to you."—The State Records of North Carolina—Clark. Vol. XI, page 201.

No further treaties were made until the year 1773, when at a Convention at Augusta, a territory which was later to become Wilkes County was ceded. The territory ceded by the Cherokees at Augusta in 1773 was described as follows:

"To begin at the place where the Lower Creek Path intersects Ogeechee River; and along the main branch of said river; to the source of the southernmost branch of said river; and from thence along the ridge between the waters of Broad River and Oconee River, up to the Buffaloe Lick; and from thence in a straight line to the tree marked by the Cherokees, near the head of a branch



INDIAN CESSIONS IN GEORGIA

falling into the Oconee River; and from thence along the said ridge, twenty miles above the line already run by the Cherokees; and from thence across to Savannah River by a line run parallel with that formerly marked by them."

At the same time the Creeks ceded the following lands lying between the Ogeechee and Altamaha Rivers:

"From the present boundary line at Phinhotaway Creek, on the Altamaha River, up the said river to an island opposite to the mouth of Barber Creek, and from thence across to Ogeechee River, opposite to the road about four miles above Buck-head, where a canoe ferry used to be kept."—Marbury & Crawford's Digest of the Laws of Georgia, 1802, page 602.

No further cession was made by Creeks or Cherokees to the British. The next cession was made in 1783, after Independence, and covered territory in Northeast Georgia described in the treaty and which was immediately named Franklin County.

The Constitutional Convention which framed the Constitution of 1777, named the cession of 1773 Wilkes County.

The Legislature of 1784 created the Counties of Franklin and Washington, though as a matter of fact the territory embraced in the County of Washington had not at that time been ceded by the Creeks. In 1790, however, the Creeks ceded to Georgia all the lands lying between the Ogeechee River, owned by the Creeks, and the Oconee River; and this territory, stretching from Cherokee Corner to Liberty County, was named Washington County.

All counties organized prior to 1802 were what are known in the land history of Georgia as head-right counties—that is to say, no surveys were ever made of these counties. None of them were surveyed and divided into land districts and land lots, and all surveys of land made were made when ordered by the Land Court and made by the County Surveyor, and in response to an application for a head-right grant, which, as we have already seen, could in no case exceed one thousand acres.

Running briefly over the acquisition of title from the Indians, Georgia obtained by the treaties of 1802 and 1804 all of the land lying between the Oconee River and the Ocmulgee River. This area was immediately divided into Wilkinson County and Baldwin County, but before disposing of any land in either of these counties they were surveyed into land districts, and land lots.

At the same time, that is, in 1802, Georgia acquired from the Creek Indians a long, narrow strip of land, which was immediately organized into Wayne County, and the lands in Wayne were divided into land districts and land lots, completely surveyed and disposed of by lottery. All of the counties lying east of the Oconee River are head-right counties. As before stated, these counties have never been surveyed except for the purpose of determining the boundary lines of each county. All counties west of the Oconee are known as lottery counties, and were surveyed and disposed of on the basis of more or less accurate surveys which in all cases were made by the State, before the State parted with its title.

The next important cession of land by the Indians was that of 1814, at which time, under the treaty of Fort Jackson, the Creek Indians ceded to Georgia, or to the United States for Georgia by virtue of the agreement

of 1802, the lands between the Chattahoochee River and the western line of Wayne County, bounded on the south by the Florida line, and on the north by a line starting from the Chattahoochee River, north of Fort Gaines, and running due east to a point northeast of Isabella, and thence 45 degrees northwest to the Ocmulgee River, and thence following the Ocmulgee to the Altamaha River near Jesup, where it intersected the western boundary line of Wayne County.

All this vast territory was organized into three counties, under the Act of 1818, and these counties were: Appling, Irwin and Early. At the same time the northernmost territory of the Creeks was ceded, and that territory was organized into Hall, Walton, Gwinnett and Habersham Counties. In 1819 some small cessions were made by the Cherokees in northeast Georgia, parts of which were added to Hall and Habersham, and the balance organized as Rabun. In 1821 the territory between the Ocmulgee River and the Flint River was ceded by the Creeks, and this was organized into five counties: Henry, Fayette, Monroe, Houston and Dooly.

The next important grant was that made by the Creek Indians, in 1825 and 1826, lying between the Flint River and the Chattahoochee, and lying north of the cession made by the treaty of Fort Jackson, in 1814. The grant of 1825 and 1826 was divided into Troup, Muscogee, Coweta and Lee; and later the Creeks ceded the last remnant of their land within the boundary lines of Georgia as established in 1802, and this was a triangular strip lying west of the Chattahoochee, and was immediately named Carroll County.

The next and last grant was made by the Cherokees in 1835.

Georgia was one hundred and two years in a process of territorial expansion, that is, from 1733, when the Creeks made the treaty at Savannah with Oglethorpe, to 1835, when the Cherokees ceded Cherokee territory.

It is interesting to note that under this territorial expansion Georgia grew from river to river. Originally from the Savannah to the Ogeechee, from the Altamaha to the St. Mary's, then from the Ogeechee to the Oconee, and from the Oconee to the Ocmulgee, from the Ocmulgee to the Flint, from the Flint to the Chattahoochee, and, later, from the Chattahoochee to the Tennessee.

Following or immediately preceding each cession of land by the Indians, especially after the year 1802, the Georgia Legislature would create large counties, and immediately after, these counties were laid off into land districts and land lots. We now have one hundred and sixty: Eight created by the Constitution of 1777, one hundred and twenty-nine by the Legislature from 1777 to 1877, and twenty-three by Constitutional Amendment since 1877.

Chapter II.

TERRITORY SOUTH OF ALTAMAHA RIVER.

While the territory lying between the Altamaha and St. Mary's Rivers was not included in the charter, and had not been annexed to Georgia by the Crown, Governor Ellis, in 1758, authorized a settlement south of the Altamaha and a Mr. Gray and some seventy or eighty others made a settlement at what they called New Hanover.

April 21st, 1758, the Board of Trade addressed a communication to Governor Ellis in which the Board of Trade said:

"The settlement of Gray and his adherents, to the southward of the Altamaha, and their forming themselves into a civil community without the license, and in defiance of the authority of the Crown, appears to us to be a matter of a very extraordinary nature, and of a very dangerous tendency and operation; not only as it is subversive of all legal order and government, but as it lays the foundation of a dispute with the Crown of Spain upon questions of territorial claims, which, at all times, but especially in the present situation of this country, it was to be wished could be avoided."—American State Papers, Public Lands, Vol. 1, Page 51.

The New Hanover Colonists were ordered to abandon this settlement. No other effort was made by Governor Ellis to grant lands south of the Altamaha, or to permit the occupation of that territory.

In 1763, Governor Thomas Boone, of South Carolina, undertook to grant large tracts of land south of the Altamaha and on May 30th, 1763, the Board of Trade addressed a letter to Governor Boone in which the Board had this to say:

"A report having prevailed that you had, with the concurrence of the members of His Majesty's councils in South Carolina, issued orders or warrants for surveying large tracts of land in that part of His Majesty's dominions in America which lies to the south of the River Altamaha, in order to pass grants of such lands, as being within your jurisdiction; and the truth of this report having been confirmed by the copy of a protest or caveat of the Governor of Georgia against making such surveys and grants, which has been communicated to us by the agent of that province, it is our indispensable duty to avail ourselves of the opportunity by a vessel now ready to depart for Charleston, of expressing to you our surprise and concern that you should have engaged in a measure of this nature so inconsistent with and prejudicial to His Majesty's interests and authority.

"The making grants of any part of this country is certainly contrary to the spirit and intention of His late Majesty's orders for the removal of Gray and his adherents from the settlement of New Hanover, and must not only embarrass the execution of what general arrangements may be necessary in consequence of the cession of Florida, but will also interfere with those measures it may be reasonably supposed His Majesty will now pursue to extend the Government of Georgia, and thereby to remove those obstacles and difficulties which that well-regulated colony has so frequently and justly stated to

arise out of the narrow limits to which it is confined."—American State Papers, Public Lands, Vol. I, Page 53.

This communication from the Board of Trade, under date of May 30th, was evidently in response to a letter from Governor Wright, of Georgia, dated in April. Governor Wright's letter was in part as follows:

"SAVANNAH, in Georgia, 20th April, 1763.

"My Lords:

"A matter which I conceive to be a very extraordinary procedure of the Governor of South Carolina, is the occasion of my troubling your lordships at this time. I was informed that Mr. Boone had come to a resolution to give grants for all the lands to the southward of the river Altamaha, towards St. Augustine, without limits; and although, my lords, I received this account in such a manner as to admit of little or no doubt of the truth of it, yet, as Mr. Boone had not thought proper to take any the least notice of it to me, and considering His Majesty's commands signified to the Governors of Georgia and Carolina on the 10th of June, 1758, relative to these very lands, and for a number of other obvious reasons, I could not think it possible for Mr. Boone to take such a step, and therefore desired Mr. Gray Elliott, one of His Majesty's council for this province, to go to Charleston to Mr. Boone on the occasion, and in case it should prove true, I furnished him with a protest and caveat to enter against their proceedings, a copy whereof your lordships have here enclosed; and on Mr. Elliott's return, it appeared that such a resolution was come to, and that on Tuesday, the 5th instant, warrants were actually issued for upwards of three hundred and forty-three thousand

acres of land to several persons, inhabitants of South Carolina, in the whole not exceeding the number of two hundred persons. The reception my protest and caveat met with from Governor Boone will appear to your lordships from Mr. Elliott's attestation underneath it, and he could not get copies of the several orders for warrants, by which the particular quantities of land and persons' names would appear: but if the officers from whom these are to be had are not forbid to give them, (as the secretary was to receive the protest) I shall very speedily transmit an exact account to your lordships. But Mr. Elliott came to the knowledge of part, viz: that thirty-five thousand acres of land were ordered to four persons; sixteen thousand acres to one Howarth, on account of the estate of James Michie, deceased, eight thousand to Mr. Thomas Smith, sen., seven thousand five hundred acres to Stephen Bull, and three thousand five hundred acres to Mr. James Parsons, and that several other very large tracts had been ordered for other persons."—American State Papers, Public Lands, Vol. 1, Page 54.

The General Assembly of Georgia, by Act approved by Governor Wright, March 25, 1765, recited in its preamble as follows:

"Whereas, sundry persons hold or claim to hold great tracts and quantities of very valuable lands to the southward of the river Altamaha within this province by virtue of, or under grants from his majesty, witnessed by the governor of South Carolina, on pretence that those lands were then in the said province of South Carolina.

"And whereas, it will be highly prejudicial to this province, in case the said grantees do not bring or send

into the same a number of white persons, or negroes, in proportion to the lands they hold, or claim to hold as aforesaid, agreeable to his majesty's royal instructions for granting lands, in order to cultivate and improve the same, or other lands within this province. And whereas, the surveys or pretended surveys of the said lands or the greatest part thereof were made with so much precipitation, that from various informations received, it appears very few, if any, of the said tracts of land were actually surveyed or the lines run, and trees marked, agreeable to the usual and standing instructions in that particular, and which is absolutely necessary for ascertaining the same, by reason whereof, not only great frauds and abuses may be committed, as well with respect to his majesty's rights, as in diminution of the public or provincial tax, but also for want of the lines being actually run and marked, the taking up and improvement of the other lands contiguous to those granted in Carolina as aforesaid, is greatly obstructed, for few or no lines appearing, and no records or entry of the said plats and grants being made in any of the offices in this province, by which the situation of the said lands may in anywise be discovered or ascertained.''—Watkins' Digest of the Laws of Georgia. Pages 105-106.

The General Assembly for remedy of all frauds, abuses, injuries, and inconveniences in and about the premises provided that all persons whatsoever to whom such lands had been granted should, within six months from and after His Majesty's royal approbation of this Act, appear before the Governor of Georgia and produce their grant or grants for any land granted by the Governor of South Carolina, and to satisfy the Governor of Georgia that

said persons had within this province a family of white persons or negroes, amounting in the whole to the number of one person for every fifty acres of land contained in their respective grants, and also prove upon oath that the negroes brought into this province were brought bona fide with the intention to settle and improve the lands so claimed, and not with any fraudulent intention of moving them back to Carolina, or carrying them out of Georgia.

Section 3 of the Act of 1765 required that any person making proper proof before the Governor should, within three months from the time of allowing and admitting such qualification, record his plat or plats in the Surveyor-General's office and register his or their grants in the Register's office.

The records in the State Department of Georgia show that the following South Carolina grants were filed in the Surveyor-General's office and an entry made thereon as appears in each particular case. All the grants made by Governor Boone and filed with the Surveyor-General in Georgia were made in May and June, 1763, and were filed with the Surveyor-General of Georgia in 1771, 1772, 1773 and 1774.

SOUTH CAROLINA GRANTS.

GEORGIA:—By order of his Excellency, the Governor, in Council the 5th March, 1771.

George Inglis:—Two thousand acres situate on the south side of the Altamaha River on the head of White Oak Creek, bounded by vacant land on every side.—18th May, 1763.

Recorded in Book D., page 116, 19th March, 1771.

John Deas:—Two thousand acres situate to the southward of the Altamaha, bounded on the north by the

said river and the branches thereof, on the west by land laid out to David Deas, on the southwest by land laid out to Henry Laurens, Esqr., & on all other sides by vacant land.—18th May, 1763.

Recorded in Book D., page 120, 19th March, 1771.

David Deas:—Two Thousand acres situate to the southward of the Altamaha River, bounded north by the said river, west by land laid out to William Hopton, and on all other sides by vacant land.—18th May, 1763.

Recorded in Book D., page 118, 19th March, 1771.

Thomas Smith, Esqr.:—Sixteen hundred and fifty acres situate to the southward of the Altamaha River, New Hanover on Buffalo Swamp being the Freshes of Turtle river, bounded to the north eastward on land already surveyed, to the south eastward partly on vacant land & partly on Joseph Glovers land, so. westward on vacant land, & to the no. westward on lands of William Maine.—3rd June, 1763.

Recorded in Book D., page 117, 27th March, 1771.

John Grayson:—Two thousand five hundred acres situate on an Inland Swamp on the head of Little Satilla, bounded to the eastward on land laid out for William Hazzard & on all other sides by vacant land.—7th June, 1763.

Recorded in Book D., page 119, 3rd April, 1771.

John Joyner:—Fifteen hundred acres situate on an Island Swamp Branch of Little Satilla, bounded to the south partly on lands laid out to William Hazzard & part on lands of John Grayson, to the west of lands of Richard Stevens, the other sides by vacant lands.—7th June, 1763.

Recorded in Book D., page 122, 14th December, 1771.

John Joor:—One thousand acres situate to the southward of the Altamaha River on the Branch of a large Island swamp commonly called the Buffalo Swamp, on the Freshes of the Turtle River in New Hanover, bounded to the eastward on land surveyed for Philip Smith, to the westward on land surveyed for David Jeffreys, to the north & south on vacant lands.—3rd June, 1763.

Recorded in Book D., page 123, 5th February, 1772.

John Burn:—One thousand acres situate to the southward of Altamaha River, bounded on all sides by vacant land.—18th May, 1763.

Recorded in Book D., page 124, 15th May, 1772.

George Nodings:—Four hundred acres situate to the southward of the Altamaha River, and is commonly known by the name of Dover Bluff, bounded on the southwest by Dover Creek, on the southeast by a Marsh, and small Creek, to the northwest on land of Ann Rogers being part of a narrow neck of land lying between Dover & South Hampton Creeks.—3rd June, 1763.

Recorded in Book D., page 126, 30th May, 1772.

James Postell, Esqr.:—One thousand acres situate, lying, and being in New Hanover in the province aforesaid on Buffalo Swamp, near the head of one of the Branches of Turtle River, bounded to the southeast, partly on land of Egerton Leigh, Esqr., & partly on vacant land, to the west partly on vacant land & partly on land of Philip Smith, to the north & northeast on vacant land.—30th May, 1763.

Recorded in Book D., page 125, 30th May, 1772.

Ann Rogers:—Four hundred acres situate to the southward by the Altamaha River, on Dover Bluff near the

mouth of Fortus River, bounded on the northward by Marsh and part of South Hampton Creek, on the southeast by Marsh and a small Creek, on Southwest George Nodding's land being a small neck of land between Dover Creek & South Hampton Creek.—3rd June, 1763.

Recorded in Book D., page 271, 25th August, 1772.

David Oliphant:—Two thousand acres situate to the southward of Altamaha River, on the head of Crooked Creek, leading out of Crooked River, bounded by vacant land on every side.—16th May, 1763.

Recorded in Book D., page 128, 25th August, 1772.

William Hopton:—Two thousand acres of land to the southward of the Altamaha River, bounded on the north by said river, and on all other sides by vacant land.—16th May, 1763.

Recorded in Book D., page 129, 24th March, 1773.

John Drayton, Esquire:—Two thousand acres situate to the southward of the Altamaha River on great Satilla River, bounded to the northward by the great Satilla River towards the east by land laid out for Thomas Shubrick, Esqr., the other side by vacant land.—16th May, 1763.

Recorded in Book D., page 130, 16th December, 1773.

William Bradford:—Three thousand acres situated to the southward of the Altamaha River, on Great Satilla River, bounded towards the north on land not yet laid out, Toward the east part on land laid out for Mrs. Martha Bremar, & part on vacant land toward the south on Great Satilla River, & towards the west on land not yet laid out.—16th May, 1763.

Recorded in Book D., page 131, 7th March, 1774.

Egerton Leigh, Esqr.:—One thousand acres situate to the

southward of the Altamaha River on a Swamp commonly called the Hermitage Swamp and partly on another commonly called the Buffalo Swamp, on the head or Freshes of the Turtle River, bounded to the no. eastward, so. eastward & so. westward, on vacant lands, to the no. westward on land surveyed for Jas. Postell, Esqr.—18th May, 1763.

Recorded in Book D., page 135, 12th May, 1774.

Henry Middleton, Esquire:—Three thousand acres situate on an Island Swamp known by the name of Plumer's Swamp, on a branch of White Oak, bounded by vacant land on every side.—16th May, 1763.

Recorded in Book D., page 137, 12th May, 1774.

William Middleton:—Two thousand acres situate on an Island Swamp on a branch of White Oak, known by the name of Plumer's Swamp, bounded to the north east on land laid out to Henry Middleton, Esquire, and on all other sides by vacant land.—16th May, 1763.

Recorded in Book D., page 136, 12th May, 1774.

Isaac Hayne:—One thousand acres situate in New Hanover on the head of Green's Creek, a branch of Turtle River to the southward of the Altamaha River, bounded by vacant land on every side.—30th May, 1763.

Recorded in Book D., page 136, 13th March, 1774.

Richard Stevens:—Two thousand, six hundred acres, situate to the southward of the Altamaha River, on the head of a branch of little Satilla being part of an Inland Swamp, bounded to the east partly on land laid out to John Joyner and partly on vacant land, to the so. partly on land laid out to John Grayson &

partly on vacant land, the other sides by vacant land. —7th June, 1763.
Recorded in Book D., page 138, 23rd June, 1774.

On February 10th, 1763, Florida was ceded to the King of England by Spain. The United States ceded Florida back to Spain in 1783 and Spain ceded Florida back to the United States in 1819.

By an Act approved by Governor Ellis, March 15, 1758, Georgia was divided into eight parishes. An English County and an English Parish were entirely different organizations. One was political and the other ecclesiastical. The caption of the Act of March 15, 1758, was as follows:

"AN ACT for constituting and dividing the several Districts and Divisions of this Province into Parishes, and for establishing of Religious Worship therein according to the Rites and Ceremonies of the Church of England; and also for impowering the Church Wardens and Vestrymen of the Respective Parishes to assess Rates for the Repair of Churches, the Relief of the Poor, and other Parochial Services."—The Colonial Records of Georgia—Candler, Vol. XVIII., Page 258.

The body of this Act defines the boundary lines of each of the parishes created and provided that it should become effective on and after March 17, 1758. This Act further provided:

"AND BE IT FURTHER ENACTED that from and after the said Seventeenth Day of March, One thousand and Seven hundred and fifty-eight, Bartholomew Zouber-

buhler Clerk, the Present Minister of Savannah, shall be the Rector and Incumbent of the said Church of Christ Church, and he is hereby incorporated and made one Body Politic and Corporate, by the Name of the Rector of Christ Church, in the Town of Savannah, and shall be and he is hereby enabled to Sue and be sued by such Name, in all Courts within this Province, and shall have the Cure of Souls within the said Parish, and shall be in the Actual Possession of the said Church, with its Coemetery and Appurtenances, and shall hold and enjoy the same to him and his Successors, together with the Glebe Land, already granted to him, and the Messuage of Tenement near to the said Church, with all and singular the Buildings and Appurtenances thereunto belonging, and also all other Lands, Tenements and Hereditaments, as shall or may hereafter be given and Granted to the said Church, or the Incumbent thereof.''—The Colonial Records of Georgia.—Candler, Vol. XVIII., Page 261.

Christ Church was the only one which, at that time, had a rector, and the Act provided that from and after the 17th of March, 1758:

''The Church erected in the Town of Augusta, with the Coemetary or Burial Place thereto belonging, and shall be the Parish Church and Burial Place of Saint Paul; And the Rector or Minister that shall or may at any time hereafter be nominated and appointed Rector and Incumbent of the said Parish Church of Saint Paul, shall be incorporated and made one Body Politic and Corporate, by the Name of the Rector of Saint Paul, in the Town of Augusta,'' etc.—The Colonial Records of Georgia.—Candler, Vol. XVIII., Pages 261-262.

Further provision was made as to all the other parishes which were at that time unorganized.

In June, 1732, Georgia received its charter from King George II, the charter being granted to Lord Percival, James Oglethorpe and others. The charter created a corporation under the title of "TRUSTEES FOR ESTABLISHING THE COLONY OF GEORGIA IN AMERICA."

King George granted to them and their successors, in trust for future settlers, "all those lands, countries and territories situate, lying and being in that part of South Carolina in America, which lies from the northern stream of a river, there commonly called the Savannah, all along the seacoast to the southward unto the most southern stream of a certain other great water or river called the Altamaha, and westward from the heads of the said rivers respectively, in direct lines to the South Seas."

June 20, 1752, the Trustees surrendered their trust to the Crown. Georgia was thus changed from a Charter Colony to a Royal Colony.

On February 10th, 1763, Florida was ceded to the King of England. The Trustees had no jurisdiction, except between the Savannah and Altamaha Rivers.

On June 8th, 1763, the Board of Trade recommended to the Crown that Florida should be divided into two distinct provinces, the Apalachicola River being the dividing line between East Florida and West Florida. In their recommendation to the King regarding this establishment of two provinces, the Board of Trade said this:

"A large tract of land lying between the north boundary line of East Florida, and the river Altamaha, the present south boundary of Georgia, which has hitherto been unoccupied as to any permanent settlement either

by your majesty's subjects or those of Spain, remains to be put under some proper establishment; and we think it cannot in any respect be better disposed of, than by putting it under the jurisdiction and within the government of Georgia; by this means the principal obstacles which have hitherto impeded the progress of that advantageous and well regulated colony, will be removed, and its settlements extended to the great benefit and advantage of the mother country."—Watkins' Digest of the Laws of Georgia, Page 739.

On October 7th, 1763, the King issued his proclamation separating Florida into the two provinces, and in the course of his proclamation he said this:

"We have also, with the advice of our privy council, thought fit to annex to our province of Georgia, all the lands lying between the rivers Altamaha and St. Mary's." —Watkins' Digest of the Laws of Georgia, Page 741.

On January 20th, 1764, the King, in the commission issued to Governor Wright, of Georgia, defined the original boundary of Georgia, and established a new southern boundary.

"Whereas, we did by our letters patent under our great seal of Great Britain, bearing date at Westminster the fourth day of May in the first year of our reign constitute and appoint you the said James Wright, Esquire, to be our captain general and governor in chief in and over our colony of Georgia in America lying from the most northern stream of a river, there commonly called Savannah all along the sea coast to the southward unto the most southern stream of a certain other great water or

river called the Altamaha, and westward from the heads of the said rivers respectively in direct lines to the South Seas, and of all that space circuit and precinct of lands lying within the said boundaries with the islands in the sea lying opposite to the eastern coast of the said lands within twenty-leagues of the same, for and during our pleasure as by the said recited letters patent, relation being thereunto had may more fully and at large appear. NOW KNOW YOU that we have revoked and determined and by these presents do revoke and determine such part and so much of the said recited letters patent and every clause, article and thing therein contained which doth any way relate to, or concern the limits and bounds of our said province as before described; and further know you, that we reposing especial trust and confidence in the prudence, courage and loyalty of you the said James Wright of our especial grace certain knowledge and mere motion have thought fit to constitute and appoint and by these presents do constitute and appoint you the said James Wright to be our captain general and governor in chief in and over our colony of Georgia in America, bounded on the north by the most northern stream of a river there commonly called Savannah as far as the head of the said river; and from thence westward as far as our territories extend; on the east by the sea coast from the said river Savannah to the most southern stream of a certain other river called Saint Mary, including all islands within twenty leagues of the coast lying between the said river Savannah and Saint Mary as far as the head thereof; and from thence westward as far as our territories extend by the north boundary line of our provinces of East and West Florida.''—Watkins' Digest of the Laws of Georgia, Page 745.

By an Act approved March 25, 1765, the General Assembly of Georgia divided the territory south of the Altamaha into four parishes, and, at the same time, added Jekyl Island to the Parish of St. James. The parishes were given the names of St. David, St. Patrick, St. Thomas and St. Mary.

Chapter III.

THE YAZOO COMPANIES.

In 1789 three companies attempted to purchase from Georgia a part of its western territory. These were known as the South Carolina Yazoo Company, the Virginia Yazoo Company and the Tennessee Yazoo Company. The Legislature of Georgia passed an Act December 21st for disposing of certain vacant lands within this State and provided for the sale of ten million acres of land to the South Carolina Yazoo Company for $66,964.00; the Virginia Yazoo Company was to obtain over seven million acres and for this that company was to pay $93,741.00. To the Tennessee Company there was sold another large tract at $46,875.00. Just what the total acreage was cannot be definitely determined but it was around twenty-five million acres of land. These companies were to pay the State of Georgia for these lands the sum of $207,000.00, within two years after the passage of the Act. The Act authorizing the sale specified the medium of payment and the money agreed to be paid was never actually paid, although the same was tendered to the Treasurer of the State of Georgia and refused by him. The Legislature never repealed this Act of 1789 but the purchasers made vigorous efforts for years to compel the State of Georgia to convey to them the lands which they claimed they had purchased from the State and for which they had made a tender which the State in good faith was compelled to accept. Georgia paid little heed to the demands of these three companies and in 1795 passed the Acts which are usually referred to as the Yazoo Acts.

The sales of 1795 and the sales of 1789 are entirely different and so far as the evidence goes were in no way related to each other. Governor Telfair signed the Act making sales to the Yazoo Companies, December 21, 1789.

After the real frauds of 1795 two of the companies, the South Carolina Yazoo Company and the Virginia Yazoo Company renewed their efforts to compel recognition of their purchase. In 1796 the South Carolina Company brought suit against the State of Georgia in the Supreme Court of the United States. The case sounded on the docket of the Supreme Court, Moultrie et al. vs. State of Georgia et al. The brief filed in this case is fully set out in American State Papers, Public Lands, Volume 1, Page 168. Many exhibits accompanied this brief. Of course the Supreme Court of the United States had no jurisdiction of a suit against the State after the adoption of the Eleventh Amendment in 1793. The case Moultrie et al. vs. State of Georgia et al. was dismissed by the court for want of jurisdiction. Not content with this effort to compel Georgia to abide by its alleged contract of sale, the South Carolina Yazoo Company immediately after the cession of its western territory in 1802 to the United States made its appeal to Congress, asking and demanding a settlement of their claim against the State of Georgia.

Alexander Moultrie, of South Carolina, in behalf of himself and others, claimants of compensation, filed a memorial with the House of Representatives demanding compensation for lands which they claimed to have purchased and out of which they claimed to have been defrauded by the State of Georgia. In this memorial Moultrie set out a full history of Georgia dealings with the Yazoo Company and alleged full tender of the purchase

money to Georgia. Congress created a Commission composed of James Madison, Albert Gallatin, and Levi Lincoln. In a report submitted by this Commission February 16, 1803, on the South Carolina Yazoo claim and other matters and referring to the claim made by Moultrie and others, this Commission has this to say:

"The last class of claims consists of those who are derived, or pretended to be derived, from Georgia. On the 21st of December, 1789, the Legislature of that State passed an act, entitled 'An Act for disposing of certain vacant lands, or territory, within that State;' by which it is enacted that two tracts of land, comprehending, together, the whole tract of country lying between the Mississippi and Tombigbee, and extending from the parallel which crosses the Mississippi at the mouth of Cole's Creek (about 31° 45′) to the northern boundary of the State, together with a third tract lying on the Tennessee River, shall, for two years from and after the passing of that act, be respectively reserved as a preemption for three companies called the South Carolina Yazoo, the Virginia Yazoo, and the Tennessee Company; and that the Governor shall issue grants for the said tracts to the said companies, if they shall, within the term of two years, pay into the public treasury of the State the following sums, that is to say: the South Carolina Yazoo Company, the amount of sixty-six thousand nine hundred and sixty-four dollars; the Virginia Yazoo the amount of ninety-three thousand seven hundred and forty-one dollars; and the Tennessee Company, the amount of forty-six thousand eight hundred and seventy-five dollars.

"An inconsiderable sum was paid, in the paper medium of the State by the two first mentioned companies, and

they did, within the two years, tender in payment to the Treasurer of the State the whole amount of the purchase money in evidences of the public debt of the state. The payment was refused on the part of Georgia.

"The money which had been deposited by the Virginia Yazoo Company was withdrawn; but the South Carolina Company instituted, before the Supreme Court of the United States, a suit against the state, which was terminated by the amendment to the constitution, relative to the suability of states.

"Both Companies now claim at least an indemnification on account of the expenses and damages incurred by reason of what they consider as a violation of contract on the part of Georgia. There is nothing on the face of the act which justifies the construction contended for by the claimants; and it is by collateral evidence only that they attempt to prove that it was the intention of the Legislature, when the law was passed, that the payments should be made in evidences of the public debt of the State. In support of that construction, they bring their own petitions to the Legislature, applying for the land, which petitions are referred to in the preamble of the act, and the protest of the minority in the Legislature, who voted against the law, principally, as they allege, because the payments were to be made in depreciated certificates.

"Upon a full view of the subject, the commissioners do not perceive that those companies have any equitable claim either for the land or for compensation from the United States."—American State Papers, Vol. XVI. Public Lands, Vol. 1, Page 133.

The State paid no attention to the suit of Alexander Moultrie beyond a brief reference to it in the Governor's message dated June 10, 1797. Governor Irwin, in his

message to the Legislature, said: "A suit in equity has been instituted in the Supreme Court of the United States by Alexander Moultrie and others against the State; this case though altogether new is of such importance as to demand the most serious consideration."

Chapter IV.

UNSUCCESSFUL INDIVIDUAL EFFORTS TO ROB GEORGIA OF A LARGE PART OF HER PUBLIC DOMAIN.

In 1777, after the adoption of the first Constitution of the State, the Legislature, by Act approved June 7, 1777, provided that: "Every free white person, or head of a family, shall be entitled to, allotted, and granted him, two hundred acres of land, and for every other white person of the said family, fifty acres of land, and fifty acres for every negro, the property of such white person or family."—Cobb's Digest, Page 660.

The number of acres granted to any head of a family on account of negroes, was limited to ten negroes, that is to say, a head of a family could not obtain more than 500 acres on account of his ownership of slaves.

The Act further required that, within six months, the grantee must settle, plant, cultivate and live on the same. This time was extended to nine months by Act of 1780, and was dispensed with in the Act of 1784, but again required by the Act of 1785.

This Act of 1777 provided further that: "No other charge or expense, except the rent of two shillings for each hundred acres of land as heretofore, shall be laid on the said lands, but the expense of surveying and granting the same, for and during the space of one year."—Cobb's Digest, Page 661.

Lands were required to be laid out in the form of a square or an oblong figure, the length not to be more than double the breadth and any person who erected a

grist mill on vacant land was to have one hundred acres of land reserved until the mill was built and fit for use, and he then received a grant for the same; and every person building a sawmill was to have five hundred acres of land reserved on the same condition.

In 1780 the land law was amended and provided as follows: "That every citizen of this State, as well as any citizens of any other State, shall be entitled to a grant of land, in the following manner, viz: two hundred acres of land for the head of a family, and fifty acres for each member of the same, whether white or black; to be laid out anywhere in this State, not in the possession of the Indians. Provided, that every such person, before he shall obtain such grant, shall bring the whole of his family into this State, and himself take and subscribe the oaths of government. And provided also, that he shall give security to his honor the Governor and Council for settling the same within nine months next thereafter."—Cobb's Digest, Page 663.

Section 25 provided that any person who would give approved security to the Governor for erecting proper and effectual works for that purpose, should be entitled to a grant of two thousand acres for a forge, and two thousand acres for a bloomery, and two thousand acres for a furnace.

In 1783 the land law was still further amended and provided that: "All and every person and persons applying for land agreeable to the terms hereinafter mentioned shall be entitled to a grant of the same, that is to say, each master or head of a family shall be allowed as his own head right, and without any other or further charges than the office and surveying fees, two hundred acres; and such person shall also be permitted to pur-

chase at the rate of fifty acres for each and every head right in his family, on the following terms, that is to say, one shilling per acre for the first hundred acres, and one shilling and sixpence per acre for the second hundred acres, two shillings per acre for the third hundred acres, and two shillings and sixpence for the fourth hundred acres, and so on in the same progression, according to the number of head rights in such family.''—Cobb's Digest, Page 665.

This Act provided that: ''The quantity of land granted and sold to any one person shall not exceed one thousand acres,'' and that a person applying for a grant should live on and cultivate part of the land twelve months before a grant could be issued.—Cobb's Digest, Page 665.

The law of 1783 provided for the appointment of a Surveyor-General and for County Surveyors, and set forth the duties of these officers.

This law of 1783 also provided that before any person should obtain a warrant, or warrants, for any land, he be required to declare on oath before the Justices holding the court, that he had not taken up or obtained land in this State for head rights, which, added to that which was then being applied for, would exceed one thousand acres. The form of warrant to be used in making such application, and which would be the authority of the County Surveyor to measure and plat the land to which the particular applicant might be entitled, was set forth in this Act and the form of warrant prescribed by law was this: ''By the Court of Justices for the County of ————. To A B, County Surveyor of said County: You are hereby authorized and required to admeasure and lay out, or cause to be admeasured and laid out, unto C D, a tract of land, which shall contain ————

acres, in the said County of ———— (here describe the buttings and boundings of the land as particularly as may be), taking special care that the same has not heretofore been laid out to any other person or persons: And you are also hereby directed and required to record the plat of the same in your office, and transmit a copy thereof, together with this warrant, to the Surveyor-General, within the term of three months from this date. Given under my hand, as senior Justice of the said Court, this ———— day of ———— 178—.''—Cobb's Digest, Page 667.

On presentation of a warrant as before set out for the County Surveyor, it was the duty of the County Surveyor to measure and lay out for the applicant a tract of land containing the requisite number of acres and to make a plat of the same. This warrant and this plat became the authority of the Governor or the Council to issue grants.

In 1784 the Counties of Franklin and Washington were created and the general land law materially changed. The Act creating these counties provided that: ''Every citizen of this State, or of any other of the United States, that shall come with an intent to settle, and form an actual residence in this State, shall be entitled to a warrant of survey for any quantity of unlocated lands within the aforesaid counties in manner aforementioned, so as the same shall not exceed one thousand acres to any one person whatsoever.''—Cobb's Digest, Page 670.

In 1785 the Legislature again changed the land law, continuing in force the machinery of the land Acts of February 17, 1783, and August 1, 1783, but provided that: ''The person or persons applying for and obtaining such lands, as far as the quantity of one thousand acres, shall not be liable or obliged to pay any purchase money or

consideration for the same, office fees only excepted.'' This Act, by the 2d section, was made applicable to all vacant lands in the Counties of Chatham, Effingham, Burke, Richmond, Wilkes, Liberty, Glynn, and Camden.—Cobb's Digest, Page 671.

Another important change made in the land law of 1785 was that it required every applicant for land to take and subscribe the following oath: ''I, A B, do solemnly and sincerely swear (or affirm, as the case may be), that the head rights delivered in by me are just and true, and that I have not, nor hath any person for me, or in my name, taken up or located the head right, or head rights of my family, now applied for, either in this, or any other county within this State; nor have I, or any other person for me, disposed of, or sold the same, so as the head rights of my family may be illegally obtained.''—Cobb's Digest, Page 671.

The authority to issue warrants of survey under the Act of 1783 was vested in the Justices of the Peace of the county in which the land applied for was located. These Justices constituted a Land Court and this Land Court was to hold monthly meetings on the first Monday in each month, and as many days immediately following the first Monday as might be necessary.

In 1789, after the adoption of our second Constitution, the land laws were still further amended and vested authority in three or more Justices of the Peace to issue land warrants, which, as we have seen, were directed to the County Surveyor of that particular county. The Act of 1789 provided that: ''No plat of any survey shall hereafter be allowed to pass the office of the Surveyor-General, or any County Surveyor, which does not clearly set forth the beginning corner of such survey, and no

County Surveyor shall be allowed to proceed in the duties of his office without first giving bond, and approved security, in the sum of two thousand pounds."—Cobb's Digest, Page 674.

The foregoing contains a summary of the important features of the land laws of Georgia after 1789, and an understanding of these laws is necessary before one can appreciate the stupendous frauds that were perpetrated, and attempted to be perpetrated, by individuals on their own initiative and without any appeal to the Legislature as was the case of the Yazoo Companies.

The particular field of activity in this individual raid on the public domain was in the Counties of Franklin, Washington and Montgomery, though by no means confined to these counties. The Legislature, in 1784, gave to Count D'Estaign 20,000 acres of land in recognition of his services during the Revolutionary War, and the land granted to him was located in Franklin County. The grants issued by the State to Count D'Estaign were four in number, each being for 5,000 acres. These lands are not described by any land marks, such as trees or water courses, but are simply described as bounded by vacant lands.

Rosalie Renee Marie Claudine Yvonne Denis de Keredern de Trobriand, born May 7th, 1777, was married in 1793 to General de LaPerriere. Two sons were born of this marriage, one of whom died, and after the death of General de LaPerriere, Madam de LaPerriere was married to Michel Ange Gauvain, whom she married in 1798. Mr. Gauvain was a rich French merchant, who purchased the land presented by Georgia to Count D'Estaign. Mr. Gauvain settled in Athens, Georgia, in 1802. Of this marriage one daughter was born, and from this daughter the

Hardens and Reeses are descended. The son, Ange de LaPerriere, has many descendants now living in Georgia, one of whom is Honorable Herman P. de LaPerriere, a member of the General Assembly of 1923-1924.

Practically all of the fraudulent grants in Franklin County above 10,000 acres, are shown in the following list:

Franklin County.

Book	Year	Name	Pages	Acres
R	1793	Blanton, John	31-46	60,000
R	1793	Blanton, John	108-128	81,000
R	1793	Beall, Daniel	46-108	246,000
C. C.	1791	Boyle, Peter	1-6	95,000
R	1792	Collier, John	136-161	100,000
Y	1795	Crookshanks, Patrick	3-6	17,000
Y	1794	Crookshanks, Patrick	50-55	19,000
Y	1793	Collier, John	6-15	55,000
Y	1793	Carson, Adam	15-24	56,000
Y	1794	Cunningham, John	25-50	102,000
R	1793	Diamond, John	163-180	70,000
Y	1793	Durkee, Nathaniel	55-102	190,000
Y	1793	Dawson, Richmond	103-135	130,000
R	1790	Farmer, William	194-219	100,000
R	1790	Graves, Humphrey	230-235	23,000
R	1793	Gilbert, Thomas	241-264	93,000
R	1793	Gardner, John F.	264-267	21,000
R	1793	Gardner and Gilbert	267-292	147,000
R	1793	Gilbert and Gardner	292-301	53,000
B. B.	1794	Gardner, John F.	224-243	60,000
B. B.	1794	Garrett, Henry	251-284	100,000
B. B.	1794	Garrett, Henry	285-314	90,000
R	1793	Hooper, John	322-329	30,000
R	1789	Hassington, John	333-358	100,000
R	1794	Hobbs, Joel	358-368	40,000
R	1794	Jones, Joseph B.	368-393	100,000
Y	1792	Phillips, Joseph	199-215	65,000
Y	1794	Pope, Leroy	215-240	104,000
B. B.	1793	Payne, Barnabas F.	357-363	20,000
Y	1793	Randolph, Isaac	244-254	40,000
Y	1793	Smith, John	312-330	73,000
Y	1791-3	Smith, Thomas	331-346	62,000
Y	1792	Smith, John	346-371	100,000
		Total		2,642,000

In order that the reader may get a real comprehensive view of the stupendous character of these attempted frauds, the following will show the grants based on pretended surveys, and exceeding 10,000 acres, to one person, in the Counties of Camden, Effingham, Glynn, Liberty, McIntosh, Washington and Montgomery:

Camden County.

Book	Year	Name	Pages	Acres
Z	1793	Bryant, Joseph	104-120	58,000
B. B.	1794	Bryant, Joseph	22-41	77,000
Z	1794	Carnes, Richard	120-123	11,000
Z	1793	Carr, Thomas	123-129	13,000
Z	1794	Garrett, John	129-176	187,716
X	1794	Hudson, James	460-467	37,000
Z	1794	Hunter, John W.	176-226	200,000
Z	1794	Holmes, James M.	226-248	89,000
Z	1793	Harris, Edwin	249-253	10,000
Z	1794	Hunter, John W.	254-259	22,000
X	1794	Jameson, John	443-458	78,000
Z	1794	Jackson, Robert	479-504	100,000
Z	1793	Jackson, Walter	260-279	77,000
Z	1794	Jameson, John	333-345	50,000
C. C.	1794	Jack, Samuel	366-382	36,992
Z	1794	Mills, William	244-286	12,000
Z	1794	Mitchell, Abner	287-293	25,000
Z	1794	Marbury, William	293-320	109,000
Z	1793	Middleton, Robert	320-332	50,000
B. B.	1794	Middleton, Robert	41-44	10,000
C. C.	1794	Nailor, George	385-388	15,000
C. C.	1794	Ogg, George	388-392	15,000
B. B.	1794	Paris, John	244-251	30,000
Z	1794	Reddick, William R.	345-376	125,000
A. A.	1794	Randolph, Isaac	360-366	25,000
X	1794	Webster, Samuel	467-472	25,000
Z	1794	Wood, Mathew	383-388	22,000
X	1794	Danielly, James	98-101	14,000
X	1793	Fee, John	109-113	16,000

Effingham County.

X	1794	Blanton, John	163-170	29,284
S	1793	Marcus, John	292-317	101,000
A. A.	1794	Nowlan, George	379-382	11,000
S	1793	Ryan, Charles	355-408	190,000
S	1793	Ryan, Joseph	327-354	97,000

Glynn County.

Book	Year	Name	Page	Acres
T	1794	Howell, John	219-291	289,000
A. A.	1794	King, John	401-413	48,000
T	1794	Leek, Burk and Spalding	315-325	40,000
B. B.	1794	Lewis, Freeman	44-119	225,000
T	1794	McIntosh, William, Jr.	27	108,000
T	1794	McIntosh, William, Jr.	325-407	227,000
Z	1794	McIntosh, William, Jr.	1-23	91,000
Z	1794	Oneal, Ferdinand	24-88	254,000
Z	1794	Spalding, Thomas	91-103	50,000
T	1794	Lewis, Freeman	293-315	83,000

Liberty County.

T	1793	Dennison, Gideon	91-129	147,000
T	1793	Flournoy, Robert	85-91	17,000
T	1794	McKeen, John	129-145	51,000
T	1793	Montfort, James	145-205	244,000

McIntosh County.

Q	1794	Fulton, Samuel	361-381	71,000
X	1794	Fields, Thomas	492-513	125,000
Q	1794	Garvin, David	382-394	50,000
Q	1794	Oneal, Ferdinand	396-405	35,000
Q	1794	Sanders, Roger P.	405-408	12,000
Q	1794	Sanders, Roger P.	408-425	70,000
Q	1794	Welch, Edward	425-446	83,000
Z	1794	Walsh, Edward	504-530	105,000

Montgomery County.

W	1794	Anderson, Martin	109-	61,000
A. A.	1794	Anderson, Martin	287-295	40,000
X	1794	Adams, Allford	213-229	99,000
X	1794	Adams, Allford	229-247	110,000
W		Black, Johnathan	119-146	166,000
X	1794	Black, Johnathan	297-321	141,000
X	1794	Baxter, William	247-297	300,000
W	1794	Cooper, Thomas	146-192	277,000
W	1794	Cooper, Joseph	193-219	162,000
W	1794	Cooper, Joseph	230-265	211,000
W	1794	Comens, Robert	220-230	65,000
X	1794	Connell, Robert	513-529	100,000
X	1794	Comens, Robert	321-339	108,000
X	1794	Comens, Robert	342-347	32,000
X	1794	Comens, Robert	347-352	30,000
X	1794	Comens, Robert	339-342	18,000

Montgomery County—Continued.

Book	Year	Name	Page	Acres
W	1794	Dawson, Thomas	266-323	341,000
W	1794	Dawson, Richmond	323-356	206,000
X	1794	Dawson, Richmond	352-364	72,000
X	1794	Dawson, Richmond	366-370	28,000
X	1794	Dawson, Richmond	370-375	32,000
X	1794	Dawson, Richmond	376-385	60,000
X	1794	Dawson, Richmond	386-399	80,000
X	1794	Dawson, Richmond	399-405	40,000
X	1794	Dawson, Richmond	406-422	100,000
X	1794	Dawson, Richmond	422-433	68,000
A. A.	1794	Dawson, Richmond	234-336	14,000
A. A.	1794	Dawson, Richmond	236-240	27,000
A. A.	1794	Dawson, Richmond	424-433	60,000
W	1794	Griffin, Randal	356-389	200,000
W	1794	Grizard, Joseph	389-406	100,000
W	1794	Hill, Isaac	406-422	100,000
W	1794	Henderson, Michael	423-442	115,000
A. A.	1794	Henderson, Michael	241-260	105,000
A. A.	1794	Henderson, Michael	295-298	14,000
X	1794	Henderson, Michael	434-442	53,000
W	1794	Jackson, Walter	442-458	100,000
W	1794	MaGruder, Zaddock	458-462	20,000
W	1794	Moore, Charles	462-470	51,000
W	1794	McKissack, William	470-485	92,000
W	1794	McKissack, Mack	486-495	60,000
W	1794	McKissack, William	512-531	114,000
B. B.	1794	McKissack, William	1-10	40,000
W	1794	McCormack, David	496-512	100,000
W	1794	Neill, William	531-559	166,000
A. A.	1794	Neill, William	260-287	154,000
X	1794	Putnam, Thomas	472-492	120,000
A. A.	1794	Preston, James	200-216	95,000
Y	1794	Spikes, John	390-451	368,000
Y	1794	Smith, John	451-467	100,000
Y	1794	Sartin, James	468-490	138,000
Y	1794	Slatter, William	491-500	56,000
Y	1794	Shields, Thomas	500-515	91,000
A. A.	1794	Shorter, James	1-8	42,000
A. A.	1794	Shorter, James	8-11	20,000
A. A.	1794	Shorter, James	11-13	11,000
A. A.	1794	Shorter, James	13-14	10,000
A. A.	1794	Shorter, James	14-17	16,000
A. A.	1794	Shorter, James	17-37	121,000
A. A.	1794	Shorter, James	37-46	52,000
A. A.	1794	Shorter, James	46-52	37,000
A. A.	1794	Shorter, James	52-63	63,000

Montgomery County—Continued.

Book	Year	Name	Page	Acres
A. A.	1794	Shorter, James	63-75	72,000
A. A.	1794	Shorter, James	75-82	42,000
A. A.	1794	Shorter, James	82-85	21,000
A. A.	1794	Shorter, James	85-91	32,000
A. A.	1794	Shorter, James	91-99	54,000
A. A.	1794	Shorter, James	99-115	96,000
A. A.	1794	Shorter, James	115-116	6,000
A. A.	1794	Shorter, James	117-126	55,000
A. A.	1794	Shorter, James	126-136	63,000
A. A.	1794	Shorter, James	136-187	308,000
A. A.	1794	Shorter, James	187-200	77,000
B. B.	1794	Shorter, James	17-22	21,000
Z	1794	Vassar, Micajah	389-409	126,000
Z	1794	Vassar, Micajah	410-411	8,000
Z	1794	Vassar, Micajah	411-427	96,000
A. A.	1794	Vassar, Micajah	216-226	60,000
A. A.	1794	Vassar, Micajah	226-234	60,000
B. B.	1794	Vassar, Micajah	11-17	25,000
Y	1794	Vassar, Micajah	515-529	83,000
A. A.	1794	Sartin, James	414-423	60,000
B. B.	1794	Sartin, James	199-223	100,000
		Washington County.		
P	1792	Becknow, Sherwood	13	30,000
P	1790-1	Becknow, Samuel	19-21	10.000
P	1790	Becknow, Samuel	31-36	19,760
P	1792	Becknow, Solomon	21-31	50,000
P	1792	Bowie, James	134-150	62,000
P	1792	Black, John	127-134	30,000
U	1792	Becknow, Samuel	29-32	10,000
U	1793	Brinton, John	32-37	20,000
U	1793	Blifil, John	37-55	75,000
W	1793	Burney, Randal	87-90	10,000
P	1792	Carnes, Thomas P.	39-51	50,000
U	1790	Creswell, David	62-64	10,000
U	1793	Crookshanks, Patrick	72-88	94,000
U	1792	Crookshanks, Patrick	92-128	143,000
U	1793	Comens, Robert	128-139	70,000
U	1793	Coleman, Curtis	139-141	10,000
U	1793	Coleman, Curtis	141-143	12,000
U	1793	Coleman, Curtis	144-178	206,000
U	1793	Coursey, William	178-180	14,000
U	1793	Cooper, Joseph	181-191	63,000
P	1792	Dawson, James	150-157	31,000
U	1793	Dawson, Richmond	88-93	20,000
U	1793	Dawson, Richmond	191-273	460,000

Washington County—Continued.

Book	Year	Name	Page	Acres
U	1793	Dawson, Richmond	273-274	5,000
U	1793	Davis, Thomas	274-312	228,000
U	1793	Davis, Thomas	312-327	88,000
W	1793	Davis, Thomas	91-98	42,000
Z	1793	Dawson, Richmond	437-439	8,000
A. A.	1793	Dawson, Richmond	305	2,000
P	1792	Flournoy, Thomas	51-70	100,000
P	1792	Green, Peleg	158-161	13,000
P	1792	Glascock, Thomas	160-163	10,000
U	1792	Hutchinson, James	363-370	30,000
W	1793	Hutchins, James	98-104	23,000
Z	1792	Hoper, John	452-479	100,000
A. A.	1793	Hollingsworth, Jacob	366-371	25,000
Q	1791	Johnson, Benjamin	97-108	48,000
Q	1791	Jackson, Absolum	109-123	60,000
P	1790	Jackson, Walter	71-85	58,000
U	1792	Jackson, Walter	376	2,000
U	1792	Jackson, Walter	377-378	8,000
Z	1792	Jackson, Robert	442-444	9,000
Z	1792	Jackson, Walter	444	2,000
P	1793	Kitchen, Benjamin	86-106	90,000
P	1793	Kitchen, Benjamin	163-178	60,000
U	1793	Kitchen, Benjamin	379-398	41,000
Q	1790	Longstreet, Daniel	133-135	10,000
Q	1790	Middleton, Robert	173-189	65,000
P	1792	Middleton, Robert	108-113	25,000
P	1793	McMillan, Mathew	86-106	10,000
U	1793	Middleton, Robert	392-397	20,000
P	1791	Pollard, William	113-124	42,500
U	1790	Pollard, William	406-409	20,000
U	1790	Pollard, William	410-411	5,000
Z	1794	Pollard, James	446-449	110,000
A. A.	1793	Pollard, James	305-311	30,000
A. A.	1794	Pollard, James	316-318	7,000
P	1792	Ross, Moses	178-181	10,000
P	1792	Robinson, Israel	181-196	62,000
P	1792	Ryan, Joseph	196-249	210,000
P	1792	Ross, Moses	257-260	14,000
U	1793	Randolph, Isaac	429-430	8,000
U	1793	Randolph, Isaac	430-431	6,000
U	1793	Randolph, Isaac	432-433	9,000
U	1794	Randolph, Isaac	434	3,000
U	1794	Randolph, Isaac	435	3,000
U	1794	Randolph, Isaac	436	2,000
U	1794	Randolph, Isaac	437	9,000
Q	1791	Tennille, Francis	210-254	267,000

Washington County—Continued.

Book	Year	Name	Page	Acres
Q	1792	Thomas, James	254-260	24,510
W	1792	Tennille, Francis	22-27	25,000
W	1787	Tennille, Francis	30	6,000

None of these lands were, in point of fact, ever surveyed as the law required, because it would have been a physical impossibility to have surveyed them within the time, and at the time of their pretended survey, as indicated in the records.

The grants were made in separate parcels of one thousand acres each, instead of in great bodies, in order to get, as the swindler thought, within the law limiting grants to one person to one thousand acres. A strange thing about these attempted frauds is found in the fact that Governor Matthews shows, in the Executive Minutes of 1794, that these bogus grants were signed daily along with the signing by him of genuine grants, and that the Legislature of the State was then in session, that is, the Legislature which met on the first Monday in November and sold the western territory in January, 1795.

The Legislature of 1794 met, according to the Constitution, on the first Monday in November, which was the third day of the month. All during November and December, the Executive Minutes show, that the Governor was signing away these lands in all of the counties named.

From November 3, 1794, to January 3, 1795, Governor Matthews signed grants to two million nine hundred and twenty-nine thousand acres of land, all of which grants were gratuitous, that is to say, the grantees had nothing to pay except office fees. In addition to these he made numerous grants of less than one thousand acres.

The Yazoo Act passed the House January 2, 1795, passed the Senate January 3, 1795, and was signed by Governor Matthews January 7, 1795. On the very day

this Act passed the Senate January 3d, the Governor signed grants to over four hundred and fifty thousand acres of land in Montgomery County. These gratuities were bestowed while the Legislature was in session in Augusta, and while it had under consideration the bill selling the western territory. The Executive Minutes show that the Governor examined and signed, besides a large number of grants of less than one thousand acres, the following grants for very large quantities:

Date	Grantee	Acres	County
1794			
Nov. 3	Richmond Dawson,	50,000	Franklin
" "	William McIntosh,	50,000	Glynn
" 4	Richmond Dawson,	80,000	Franklin
" 5	William McIntosh,	127,000	Glynn
" 6	Samuel Fulton,	28,000	McIntosh
" "	John McKean,	51,000	Liberty
" "	Thomas Davis,	174,000	Washington
" 7	Walter Jackson,	100,000	Montgomery
" 8	Ferdinand O'Neal,	150,000	Glynn
" 12	Ferdinand O'Neal,	75,000	Glynn
" 14	Isaac Randolph,	22,000	Washington
" "	Matthew Wood,	22,000	Camden
" "	William R. Reddick,	23,000	Camden
" "	Jno. W. Hunter,	22,000	Camden
" "	John Garrett,	108,000	Camden
" 21	James Sartin,	72,000	Montgomery
" "	Thomas Cooper,	200,000	Montgomery
" "	Freeman Lewis,	68,000	Glynn
" "	Freeman Lewis,	5,000	Glynn
" "	Robert Comens,	50,000	Washington
" "	Francis Tennil,	13,000	Washington
" "	Robert Comens,	65,000	Montgomery
" 24	Zadoc McGruder,	20,000	Montgomery
" "	Thomas Davis,	47,000	Washington
Dec. 8	James Shorter,	50,000	Montgomery
" "	Jonathan Black,	18,000	Montgomery
" "	Joseph Cooper,	86,000	Montgomery
" "	William Scott,	50,000	McIntosh
" 9	John Smith,	100,000	Montgomery
" "	David McCormack,	100,000	Montgomery
" 10	Walter Jackson,	54,000	Camden
" "	John Dickson,	19,000	Liberty

Date	Grantee	Acres	County
Dec. 10	Edward Watts,	8,000	Richmond
" "	Robert Middleton,	2,000	Washington
" 17	James Shorter,	231,000	Montgomery
" "	Randall Griffin,	25,000	Montgomery
" "	John Howell,	49,000	Glynn
" 31	Richard Carnes,	11,000	Camden
1795			
Jan. 1	Charles Moore,	51,000	Montgomery
" "	Robert Flournoy,	3,000	Richmond
" 3	Jonathan Black,	148,000	Montgomery
" "	James Shorter,	225,000	Montgomery
" "	Thomas Cooper,	77,000	Montgomery
	Total.....	2,929,000	

—Executive Minutes, 1793-1796,

Pages 170-206.

Of the thirty-five persons above named as receiving gratuitious grants, to more than one-third of the then occupied territory of Georgia, several of them were members of the Legislature then in session and, as shown by the record, voted for the bill to sell the western lands.

Executive Minutes show following entries, Jared Irwin, Governor:

"State House, Louisville, Saturday, 9th January, 1796.

"The following grants were presented, examined and signed: 60 in the name of James Sartin, 1000 acres each, Montgomery County; 48 in the name of John King, 1000 acres each, Glynn County;

"State House, Louisville, Monday, 21st March, 1796.

"The following grants were presented, examined and signed: 77 in the name of Joseph Bryant, 1000 acres each, Camden County; 10 in the name of Robert Middleton,

1000 acres each, Camden County; 125 in the name of Thomas Shields, 1000 acres each, Montgomery County."

Executive Minutes, February 28, 1797.

The entries under this date show that Governor Irwin signed ten grants in Glynn County in the name of Freeman Lewis of one thousand acres each, and seven grants in Glynn County in the name of Ferdinand O'Neal of one thousand acres each.

Executive Minutes, March 13, 1797.

Governor Irwin signed five grants of one thousand acres each in Franklin County in favor of Peter Boyle, and one grant for five hundred acres for Peter Boyle in Franklin County.

Under date of June 17, 1797, the Executive Minutes show that Governor Irwin signed four grants of eight hundred acres each, one grant for six hundred acres, one for five hundred and seventy-five acres, one grant for four hundred acres in Wilkes County to David Creswell, and five grants of one thousand acres each in Washington County to David Creswell.

The Executive Minutes for July 11, 1797, show that Governor Irwin signed two grants of one thousand acres each to Peter Boyle in Franklin County.

The last grants made to one person of more than one thousand acres, so far as the Executive Minutes of Georgia show, were those made by Governor Jared Irwin, December 15, 1797, of three thousand acres in Washington and two thousand acres in Franklin County to George Weatherby, three thousand acres in Franklin County to Septimus Weatherby. Governor James Jackson succeeded Governor Irwin, January 14, 1798.

No protest was ever made by Governor Matthews, Governor Irwin or Governor Jackson against these fraudulent grants. Governor Matthews was elected by the Senate, November, 1793, for two years. During his term the Constitution was amended and the date of meeting of the Legislature changed from first Monday in November to second Tuesday in January. Governor Irwin was elected by the Legislature in January, 1796, and Governor Jackson elected January, 1798.

In 1798 the Legislature passed a law which required all land owners to procession their land every ten years, beginning with the year 1799. The purpose of this law was to compel an identification of the land lines of all land owners, and as the fraudulent grants represented lands which had never been surveyed and had no corner trees or line trees, it would be impossible for persons holding lands under these fraudulent grants to procession their land.

The law of 1798 proved ineffective, through fraud as practiced by interested persons, as will appear from the following letter from Governor Jas. Jackson to Abraham Bird, Surveyor of Montgomery County, written March 2d, 1799:

"I have received your letter of the 26th Ultimo respecting the processioning the large surveys in Montgomery County.

"As the processioning law of 1798 was deficient and of course of little effect, and as the present law passed the last session is equally so—it will require another law previous to any validity of title being acquired by any act of processioning—the last Act was well intended by the Legislature, but owing to the neglect of the Commit-

tee of enrollment or the carelessness of the engrossing Clerk, or the ingenuity of some Member who did not like the law, the words eight hundred is inserted instead of eighteen hundred—and part or parts instead of plat, and plats. I do not conceive it can be acted under—

"I therefore do not conceive it necessary to give my opinion on the occasion, nor ought I to do so. If the Citizens chuse to bring it to an issue, by surveying rights in those big surveys, and trying it by applying, for Grants when no doubt Caveats, will be entered—then and not before the business, will come fairly before me, for my decision. I can only say that I have ever been an enemy to those large Surveys, as prejudicial to the State, and its population. How far it can now be remedied, I cannot say, unless it comes properly before me, and after a due hearing of both parties."—Executive Minutes, 1799, Page 121.

In using the words, "it will require another law previous to any validity of title being acquired by any act of processioning," Governor Jackson makes it clear that the purpose of such a law was to defeat bogus titles, because there could be no processioning or running round land which had never been surveyed.

In 1839 the Surveyor-General furnished to the Legislature a statement showing the number of acres of land in each of the counties existing in 1839, and also showing the number of acres of land granted as shown by the maps and records of these counties. This report of the Surveyor-General was made June 17, 1839, and shows that the twenty-four counties existing in 1796 contained actually 8,717,960 acres of land, whereas the maps and records in the Surveyor-General's office show that in these counties there had been granted 29,097,866 acres. These

29,097,866 acres embraced all grants, genuine and fraudulent.

These land grabbers did purely fictitious surveying and platting, in some instances for themselves and some instances for one another. James Shorter, George Weatherby, Richmond Dawson and Zadock McGruder were among the most active surveyors, and it has already been shown James Shorter did a great deal of surveying in August, 1793, for Richmond Dawson, and a further examination of the records will show that James Shorter, for James Shorter, surveyed in Montgomery County, August 29, 52,000 acres, and that on August 6th, Thomas Cooper surveyed 100,000 acres for James Shorter, and that on August 18th, Thomas Cooper surveyed for James Shorter in Montgomery County 118,000 acres.

The record furnished by the Surveyor-General June 17, 1839, for the Head Right Counties was as follows:

Name of County	Date Authorized	No. of Acres in the County	Alleged No. Acres Granted
Bryan	Dec. 19, 1793	276,480	111,091
Bulloch	Feb. 8, 1796	605,440	358,217
Burke	Constitution, 1777	665,600	619,006
Camden	Constitution, 1777	720,000	1,928,688
Chatham	Constitution, 1777	268,800	55,619
Columbia	Dec. 10, 1790	320,000	145,055
Effingham	Constitution, 1777	310,400	1,149,791
Elbert	Dec. 10, 1790	327,680	121,870
Franklin	Feb. 25, 1784	499,200	5,126,548
Glynn	Constitution, 1777	253,440	1,785,375
Greene	Feb. 3, 1786	268,800	324,278
Hancock	Dec. 17, 1793	288,640	56,727
Jackson	Feb. 11, 1796	337,920	175,120
Jefferson	Feb. 20, 1796	376,320	71,593
Liberty	Constitution, 1777	393,600	870,680
Lincoln	Feb. 20, 1796	126,720	14,624
McIntosh	Dec. 19, 1793	422,200	667,251
Montgomery	Dec. 19, 1793	407,680	7,436,995
Oglethorpe	Dec. 19, 1793	286,720	55,018
Richmond	Constitution, 1777	201,600	443,457
Screven	Dec. 14, 1793	345,600	242,656
Warren	Dec. 19, 1793	274,560	95,239
Washington	Feb. 25, 1784	416,720	5,018,048
Wilkes	Constitution, 1777	323,840	2,224,920
		8,717,960	29,097,866

MAP OF THE OCCUPIED PORTION
OF GEORGIA IN 1796

A very fine history of this stupendous fraud is furnished in a letter to General Philip Cook, Secretary of State, dated in 1890, and written by Chas. C. Jones, Jr.

We have no records of any character of any uprising or protests on the part of the people against these grants of millions of acres of land to private individuals, who based their claims to them on purely fictitious surveys and plats. The Executive Minutes were silent, the Legislative proceedings were silent, and so far as can be learned, the press was silent. During the administrations of Governors Walton, Telfair, Matthews and Irwin, Georgia was giving away her occupied domain with amazing prodigality and selling her unoccupied domain at a few cents per acre.

The letter of Charles C. Jones, Jr., is as follows:

"Augusta, Georgia.
"May 26th, 1890.

"My dear General,

"I have your letter of the 23rd instant. The frauds to which you allude have, on more than one occasion, passed under my observation, and I have been appalled at their recklessness and magnitude.

"Montgomery County was created, I believe, in 1793; and comprised a vast pine-barren area now constituting several counties. It was in this extensive domain, and that comprehended within the original limits of Franklin and Washington Counties, that the pine-barren speculation was inaugurated and prosecuted by its projectors. The region—sparsely populated—was little more than a vast solitude. At home the lands were practically valueless. While aware that there was no market for them within the limits of Georgia, parties conceived the idea

of making them a convenient base for manipulation and speculation at distant points, notably in Philadelphia as a focal place. Plans were accordingly laid, and machinery, under the semblance of law, was put in practical operation to secure a paper title to immense tracts in this region which could be utilized in furtherance of the contemplated speculation.

"Individuals were selected to act as magistrates, form land courts, and issue the warrants which constituted the preliminary step under the Head-Right-System then in vogue in Georgia. Other parties were named who, as convenient and willing tools, were to discharge the duties of surveyors, and make, or profess to make, the locations and surveys contemplated by the warrants. Everything being thus arranged, these unscrupulous speculators, without hindrance, perfected their plans, put their tools to work, had such warrants issued as they pleased, and placed upon paper the most extravagant surveys when, in most instances, no chain had been stretched, or a single tree had been actually marked. Land forgeries thus compassed, were issued and returned to the Surveyor-General's office. They involved millions of acres.

"Whether or not there was official corruption at Head Quarters in aid of these frauds, I neither affirm or deny: but it would manifestly appear that there must have been something of this sort. **Crassa negligentia** will scarcely afford reasonable explanation of the action of the Departments. Many of the surveys bore upon their faces unmistakable evidence of the utter impossibility of their having been actually made. Most of them were spurious —the offspring of deliberate fraud and forgery—and yet, intermingled with them, were legitimate warrants and surveys which served to infuse a little leaven of genuine-

ness into this great mass of corruption. The entire region was overlaid with warrants and surveys far transcending the area existent in nature. In order to enhance the character of the lands, and dignify the native forests with which they were clothed, corner and station trees were described as oak, walnut, hickory, etc., etc., when in fact the entire region was a uniform pine-barren. Streams and water-courses were delineated where none existed.

"Thus grants, under the Great Seal of the State and with the Governor's signature, were procured, and the speculators placed themselves in a position,—with muniments of title in hand,—to conclude their operations at a distance, and perfect sales to the ignorant and unsuspecting. Of the seeming perfectness of the paper title there could be no question. All requisite formalities had been observed. These, to all intents and purposes, bona fide and solemn grants from the State of Georgia, with the autograph signatures of the Governor and State House Officers, with the Great Seal appended, and with certified plats of survey attached, were taken North and offered for sale at commercial centres. Not a few purchasers were found, and companies were formed to effect consolidation and negotiate sale of large tracts of these lands. Thus was the fraud consummated. I have seen conveyances, executed with every formality, engrossed upon parchment, disposing of tens and hundreds of thousands of acres of such lands, said to be located in the counties of Franklin, Washington, and Montgomery, which were not worth the paper upon which they were written. They were supported too by the constituent plats and grants, fortified by every badge of genuineness. The lands specified could not be located. The pretended

surveys had never been made. No taxes had been paid since date of cession, or acts of ownership exercised or attempted to be exercised. To the supposed region other claimants had acquired good title. And so, while the paper title, if the lands could be located, would be pronounced perfect on its face, in reality it was not worth a penny.

"It would not be exaggeration to state that deeds to hundreds of thousands of acres are thus held, and some grantees are laboring under the delusion that they may still be utilized.

"I can well understand how difficult it may be to winnow a few grains of wheat from so many bushels of chaff; and yet, after all, each claimant must be remanded to his rights as modified by the statute of limitations as tainted by fraud, and as affected by the laches both of himself and of those from whom he purchased. I do not see how, under any possible circumstances, any harm can come to the State after so long a lapse of time; but I can easily comprehend how annoying many of the inquiries must be to you.

"To give you an idea of the flagrant rascality and reckless conduct of these speculators, let the following figures suffice:

"The actual number of acres of land in **Franklin County** is **499,200.** According to the maps and records in the Surveyor-General's office, surveys purport to have been made and grants issued for **5,126,548 acres.**

"The actual number of acres of land in **Montgomery County** is **407,680.** Surveys purport to have been made and grants issued for **7,436,995 acres.**

"The actual number of acres of land in **Washington**

County is **416,720.** Surveys purport to have been made and grants issued for **5,018,048 acres.**

"The record is frightful.

"Like the Yazoo Fraud, this Pine-Barren speculation is a matter of reproach to our State. Practically however, it is simply an unfortunate memory. To all who deem themselves claimants under these fraudulent surveys and grants, and conveyances based upon them, the courts are open: and they will prevail or be defeated as the circumstances of each case may justify. Mere paper title, in the teeth of adverse possession, subsequent bona fide grant, non-payment of taxes, failure to exercise acts of ownership, or fraudulent survey, will not prove of much avail.

"Command me fully at all times, and believe me, my dear General,

"Very truly yours,

"Charles C. Jones, Jr.

"Genl. Philip Cook,
"Secretary of State's Office,
"Atlanta,
"Georgia."

Chapter V.

SELLING CONTRASTED WITH GIVING PUBLIC DOMAIN.

Between the years 1789 and 1796, during which Governors Walton, Telfair, Matthews and Jared Irwin exercised the powers of Governor of Georgia, more land was given away under head-right grants than was contained in the State.

Apparently this giving away in large quantities began under the administration of Governor Walton, in 1789, when he granted to one man fifty thousand acres of land, nothwithstanding the fact that the law prohibited the granting of more than one thousand acres to any one person. Governor Telfair quickly followed Governor Walton by making a grant of one hundred thousand acres to one person.

This reckless giving away of Georgia's public domain became frightful under the administration of Governor Matthews, and was continued in the administration of Governor Jared Irwin, but was not continued beyond his term of office. The land had given out.

Let it be understood that the State never has surveyed the lands embraced in head-right counties, except as surveys were made by County Surveyors, under authority of the Land Court, and in response to the application of each individual applicant who might be entitled to any quantity of land less than one thousand acres due to the number of members of his family.

This giving away proposition seems to have reached its climax in 1794, the second year of Governor Matthews'

administration. When the Legislature met on the first Monday in November, 1794, the atmosphere of the State was charged with this spirit of land monopoly, but some of the efforts were confined to the organized portion of the State; that is to say, to territory which had been ceded by the Indians and which had been divided into counties, whose boundary lines had been defined, but there had been no subdivision of counties into land districts and land lots.

The Yazoo Companies which had bought, in 1789, and which had been given two years in which to pay, were still clamoring for their lands lying in the unorganized portion of Georgia's public domain. The State, through its officials, refused to accept payment when tendered by the representatives of the Virginia Yazoo Company, the South Carolina Yazoo Company and the Tennessee Yazoo Company, and it was under this condition of things that four other companies appeared and made effort to buy a very large portion of the State's western territory lying on the Mississippi River, the Tennessee River, the Yazoo River.

The bill making the sale of these western lands to these four new companies was passed, and received the Governor's signature on the 7th of January, 1795. The lands granted were to the "Georgia Company," the "Georgia Mississippi Company," the "Upper Mississippi Company" and the "Tennessee Company." It will be noted that the word "Yazoo" was omitted from the names of these companies.

The lands granted to the "Georgia Company" were described as follows:

"All that tract or parcel of land, including islands,

situate, lying and being, within the following boundaries, —that is to say: Beginning on the Mobile Bay, where the latitude 31 north of the equator intersects the same; running thence up the said bay to the mouth of Lake Tensaw; thence up Lake Tensaw to the Alabama River, including Curry's and all other islands therein; thence up the said River Alabama to the junction of the Coosa and Oakfuskee Rivers; thence up the Coosa River above the Big Shoal, to whence it intersects the latitude of 34 north to the equator; thence a due west course to the Mississippi River; thence down the middle of said river to the latitude of 32° 40′; thence a due east course to the mouth of Tombigbee River; thence down the middle of the said river to its junction with the Alabama River; thence down the said Mobile Bay to the place of beginning."

The lands sold to The Georgia Company were sold for the sum of $250,000,—$50,000 of which was to be paid into the treasury previous to the passage of the Act, and the remaining $200,000 to be paid on the above the first day of November, 1795. The Act required that whenever the Georgia Company should produce to the Governor a receipt by the Treasurer for the sum of $50,000, then grants were to be issued,—the last payment to be secured by a mortgage given to the Governor on the whole of the land so granted.

The lands granted to the Georgia Mississippi Company for the sum of $155,000 were described as follows:

"All that tract of Country, including islands, situate, lying, and being, within the following boundaries,—that is to say: Beginning on the River Mississippi, at the

place where the latitude of 31° 18′ north of the equator intersects the same; thence a due east course to the middle of Don or Tombigbee River; thence up the middle of the said river to where it intersects the latitude of 32° 40′ north of the equator; thence a due west course along the Georgia Company's line to the River Mississippi; thence down the middle of the same to the place of beginning."

The land conveyed to the Upper Mississippi Company was valued at $35,000,—with a $5,000 previous deposit with the Treasurer, and was as follows:

"All that tract of country, including islands, situate, lying, and being, within the following boundaries,—that is to say: Beginning at the Mississippi River, where the northern boundary line of this State strikes the same; thence along the said northern boundary line due east to the Tennessee River; thence along the said Tennessee River to the mouth of Bear Creek; thence up Bear Creek to where the parallel of latitude, twenty-five British statute miles south of the northern boundary line of this State, intersects the same; thence along the said last-mentioned parallel of latitude, across Tombigbee or Twenty Miles Creek, due west to the Mississippi River; thence up the middle of the said river to the beginning."

The lands conveyed to the Tennessee Company for $60,000 were described as follows:

"All that tract of land, including islands, situate, lying, and being, within the following boundary lines: Beginning at the mouth of Bear Creek, on the south side of the Tennessee River; thence up the said creek to the most

southern source thereof; thence due south to the latitude of 34° 10′ north of the equator; thence a due east course one hundred and twenty miles; thence a due north course to the Great Tennessee River; thence up the middle of the said river to the northern boundary line of this State; thence a due west course along the said line to where it intersects the Great Tennessee River, below the Mussel Shoals; thence up the said river to the place of beginning."

As stated, this Act was signed by the Governor January 7th, 1795, and, on the 26th of January following, the Governor issued his proclamation declaring these four tracts of land to be conveyed to the four companies named and, as authorized by the Act, executed a grant to these companies. The amount of land involved was about thirty-five millions of acres and the sum paid for the same was $500,000, or not quite two cents per acre.

TENNESSEE
III
Upper Miss! Co.
NOT GRANTED
IV
The Tennessee Co.
NOT GRANTED
I
The Georgia Company
II
The Georgia Mississippi Company
LOUISIANA
WEST FLORIDA
Mobile
Pensacola
New Orleans
Alabama
Tombigbee
Coosa
Tennessee
MAP OF THE GRANTS of the GEORGIA WESTERN TERRITORY
LONGITUDE WEST FROM LONDON
May 1932.

The giving away of the land within the organized portion of the State and the sale of lands to the Yazoo Companies, on two years time, did not arouse any public indignation. The sale of the lands to the four new companies, however, created the profoundest dissatisfaction among the people of Georgia. James Gunn and James Jackson were then United States Senators from Georgia. James Gunn was largely interested in the Georgia Company, and came home to attend the session of the Legislature in 1794 which made these sales. The storm of protest which immediately arose induced Senator Jackson to resign his seat in the United States Senate and to come home to fight for the nullification of this sale made by the Legislature in 1795. The rankest corruption, it was charged, was practiced by these companies in securing the passage of the law authorizing the Governor to deed these western lands. Governor Matthews, promptly after the passage of this law and the payment of $98,000 in cash, made deeds to these lands, accepted mortgages for the payment of the balance of the purchase money, and issued his proclamation announcing the sale. In 1795 the Constitution was amended, changing the date of the meeting of the General Assembly from the first Monday of November to the second Tuesday in January. This had the effect of prolonging the term of Governor Matthews from the first Monday in November, 1795, to the second Tuesday in January, 1796. At the State election in November, 1795, Governor Jared Irwin was elected to succeed George Matthews. In his message in January, 1796, two days before his term expired, Governor Matthews defended the sale of western territory and among other things said:

"I ordered the Surveyor-General to furnish me with as accurate a map of the country contemplated to be sold that any documents he had or could produce would afford. This was done and is now on the files of the Executive, from which it will appear that there was no more than 29,400,000 acres in the whole aggregate tract the first law had in view and one-fourth of that quantity was reserved to the State and subject to her disposition. This is a true state of facts so far as they have come to my knowledge, and if it may afford you any useful hints in your deliberations it will give me pleasure. The sum of Five Hundred Thousand Dollars has been paid into your treasury in terms of this Act, Fifty Thousand ($50,000) Dollars of which has been realized in Six Per Cent (6%) stock of the United States; the interest arising therefrom, amounting to Twenty Two Hundred and One Dollars and Twenty-Nine Cents ($2201.29), has been paid into your treasury, as also the interest arising from the balance due to this State on a final settlement with the United States, amounting to Six Hundred Eighty-Nine Dollars and Fifty Eight Cents ($689.58), and the Treasurer's receipts for the original certificates standing in the books of the Loan Office of the United States are filed in the Office of the Cheque on the Treasury.

"The sum of Thirty Thousand ($30,000) Dollars stands appropriated for extinguishing the Indian claims to the lands between the Oconee and Oakmulgee Rivers, and Twenty Thousand ($20,000) Dollars have been applied to paying the members of the Assembly, the members of the Convention, and other creditors of the State. Four Hundred Thousand Dollars remain now in your Treasury subject to the appropriation of the present Legislature.

"In contemplating the most proper use to which that sum may be applied, two objects present themselves:

"The money may be applied towards establishing a bank in this State, in which it is presumable there will be many adventurers—or it may be vested in the funds of the United States."

Under the Constitution of 1789 the Senate and House of Representatives were elected by the people on the first Monday in October, the Senators for three years, and Representatives for one year. The General Assembly met on the first Monday in November, when the House voted for Governor and certified to the Senate the names of the three persons receiving the highest votes, and from the three so nominated, the Senate, by a majority vote, would elect a Governor, whose term was fixed at two years. In 1795, May 16th, a Constitutional Convention, at Louisville, amended the Constitution of 1789 in three important particulars. 1st: Senators and Representatives were elected annually on the first Monday in November; 2d: the date of meeting of the General Assembly was changed from the first Monday in November to the second Tuesday in January; 3d: all elections by the General Assembly were to be by joint ballot.—Watkins, Page 30. Governor Matthews, therefore served from November, 1793, to January 12, 1796, whereas, the General Assembly by joint ballot elected Jared Irwin.

When Governor Matthews in the above extract from his message said, "Twenty Thousand Dollars have been applied to paying the Assembly and the Convention," he had reference to the Constitutional Convention at Louisville in May, 1795.

Governor Jackson returned to Georgia, was elected a

member of the General Assembly from the County of lature revoke the grants that had been made to the Geor- Chatham, and immediately proceeded to have the Legis- gia Company, the Georgia Mississippi Company, the Upper Mississippi Company, and the Tennessee Company. The House and Senate records of Georgia for that period are not to be found anywhere in the State of Georgia, but a transcript of the Journal of the House, certified to by George R. Clayton, for Hines Holt, under date of August 25th, 1801, is preserved in American State Papers, Volume 1, and will be found on page 144 and the following pages.

James Jackson, a member of the House from Chatham and a member of the committee which had collected the evidences of fraud, bribery and corruption which characterized the passage of the bills selling the western territory, presented, on Monday, January 25th, 1796, the following report:

"The committee to whom the constitutionality and validity of the act for the disposal of the western lands, together with the petitions and remonstrances of the people referred to, report five other affidavits on the corruption practiced to obtain the act, and submit the propriety of entering the proofs already laid before the House, and those which may be laid before them, on the journals of the House, in order to perpetuate such testimony, and for this purpose recommend the following resolution:

"RESOLVED, That all such proofs relating to the fraud and corruption practiced to obtain the act for the disposal of the Western territory of this State, be entered by the Clerk on the Journals of the House, in order that the testimony so given may be perpetuated, as well for

the satisfaction of the Legislature and to show the grounds on which they proceeded, as to hand down to future Legislatures the base means by which the rights of the people were attempted to be bartered.

"Agreeably to the foregoing report and resolve, the affidavits taken before the committee and exhibited to the House, being read, are as follows:

"Georgia, Burke County, January 16, 1796.

"Russell Jones, Senator from the county of Franklin, being duly sworn, maketh oath, that some time in the last summer Thomas Raburn, Esq., a representative from the said county in the last Legislature, was at his house, when James Cail, and several others were also present, and talking together on the sale of the Western territory of this State, the said Cail told Raburn that he did not blame him for selling the land, but for selling his vote so much lower than what other members did; that he, Raburn, had sold his vote for six hundred dollars, and that others had got a thousand; Raburn replied, that it showed he was easily satisfied, and was not greedy.

"Russell Jones.

"Sworn in presence of committee of the House of Representatives, before me.

"Thomas Lewis, J. P."

"State of Georgia, Burke County.

"Before Thomas Lewis, Esquire, one of the Justices of the Peace for the county aforesaid, personally appeared Clement Lanier, Esquire, one of the representatives of the Legislature of this State, who being sworn on the Holy Evangelists of Almighty God, deposeth and saith, that during the last session of the Legislature, at Augusta, in the winter of the year 1794, he being a member of the

House of Representatives, and sitting on the same seat with Henry Gindrat, another of the members of that House, before the Speaker took the chair, the said Gindrat recommended to him to be in favor of selling the Western lands, for that he, the said Gindrat, understood it worth our notice, for Mr. Thos. Wylly, a Senator from Effingham county, had told said Gindrat that he, the said Wylly, could have eight or ten likely negroes for his part; and the deponent further saith, that, on the same day, in the afternoon, the said Thos. Wylly came into the lobby of the House, and beckoned to the deponent, who followed him out, when a conversation commenced about the Yazoo Act; that, at this time, a Mr. Denison came by and asked him what we were upon; the said Wylly answered the land business; the said Denison then came up, and Wylly withdrew; the said Denison then told the deponent that he did not pretend to advise any member to be in favor of selling the land, but those who were in favor of it were handsomely provided for, and that if the deponent thought proper to be in favor of selling, that he should have part, and that the said Denison said he was a purchaser of such of the members' parts as had a mind to sell, but understood that some of the members pretended to ask eight or ten negroes for a share, or their share; he said he could not give so much, but the deponent might depend he would purchase; the deponent further saith that, previous to any of the above-recited circumstances, Mr. William Longstreet, one of the members of the said Legislature, frequently called on the deponent, and asked him why he was not in favor of selling the Western lands, who answered, he did not think it right to sell to companies of speculators; the deponent at this time wishing to make further discovery of the conduct of the members

in that sale and, therefore, affected to be inclined to come into the measure, and by that means kept up a conversation about it occasionally; that, on the day the bill received its first reading, before the House was convened, the said Longstreet spoke to the deponent to get his approbation to the sale; the deponent asked him to show him what security the members had of the purchasers; when the said Longstreet presented a certificate entitling the bearer to two shares of twenty-five thousand acres each, signed by Nathaniel Pendleton, chairman; he, the deponent, then told the said Longstreet that that was not what he had formerly been told him was a member's share; for that the said Longstreet had before said a member's share was seventy-five thousand acres, that the said Longstreet then told the deponent if he would wait a few minutes, or an hour, he would bring him another certificate from Gunn's company for the same number of acres; that the deponent, in order to disengage himself from the conversation, then said the security was not sufficient to entitle him to the land. That the said Longstreet then told the deponent, if he was not satisfied with the certificate, he would give him one thousand dollars for it, or for them, the deponent then presented the certificate to the said Longstreet, and went into the House, which was the last interview he had on the subject. The deponent further saith, that the shares offered him, as aforesaid, were expressly designed to induce him, the deponent, to vote for the bill for disposing of the Western territory. "Clem Lanier.

"Sworn to aforesaid."

"Peter L. Van Allen, being duly sworn, saith, that, on or about the 12th or 13th of January, 1795, he was in

company with Mr. Gindrat, who, the deponent understood, was a member of the Legislature then lately adjourned; that in consequence of the advice of R. P. Sanders, Esquire, another member of the same Legislature, who advised the deponent to purchase some of the Western lands which the said Legislature had sold, and in the purchase of which the deponent understood the said R. P. Sanders, Esquire, was interested, and from the information of the said R. P. Sanders, Esquire, that they would purchase between them two shares in Gunn's company, and, to best of the deponent's recollection, two shares in Glascock's company, for one thousand dollars; that the said Gindrat told the deponent, in a conversation on that subject, that he should have his, said Gindrat's shares for that sum, provided the money was paid by a certain time; that, in consequence, the deponent went to exchange some Governor's warrants for money, and when he returned Gindrat refused to let him have them, having, as the deponent understood and believed, met with a better market. The deponent further saith, that he believes, and then understood, that a certain quantity was allotted to each member in the majority, who were not to pay any money therefor in advance, and were particularly indulged until the whole purchase money was payable at the treasury, in consequence of their vote and support of the law for selling the land.

"The deponent further saith, that Roger P. Sanders, Esquire, told the deponent that he had made a contract with Lachlan M'Intosh, Esquire, who was, as the deponent understood, a member of the same General Assembly, for all the shares the said M'Intosh held in different companies, for which he had contracted to give him eight negroes, fifty barrels of rice, and a certain sum of money,

which the deponent does not recollect; that this contract was made before the first bill was negatived by the Governor; but that reservation being made in the second bill, in favor of the citizens and the State, would deduct considerably from the quantity of land in each share; he, the said R. P. Sanders, objected to give so much; the said M'Intosh, however, urged the completing of the contract; the said R. P. Sanders further told the deponent that the contract was broken off by reason of that deduction. The deponent further saith, that he was present in company with Lachlan M'Intosh, Esquire, and others, when some one of the company, he thinks Mr. M'Intosh, held six shares in the Georgia Mississippi Company, which he offered at three hundred dollars premium each, and on the same day the deponent understood that he did sell them for a premium of two hundred and fifty dollars each, to one of the grantees of that company.

"Peter L. Van Allen.

"Sworn to, as aforesaid."

"James Meriwether, Esquire, being first sworn before Thomas Lewis, Esquire, in presence of the committee of the House of Representatives, was asked the following questions:

"1st. Were you not, or are you not now, treasurer to one of the companies which purchased the territory claimed under the act of the last Legislature for disposing of the same, passed on the 7th January, 1795, entitled 'an act supplementary,' &c.?

"2nd. Who were associates in that company?

"3rd. Do, or do you not, know where the list of the associates are kept?

"4th. Are you, or are you not, acquainted with the means by which the said act was obtained?

"5th. Do you or do you not know that some one or more of the members of the Legislature were holders of shares, directly or indirectly, in the purchase?

"6th. Did, or did not, some one or more of the members of the Legislature, pay unto you, as treasurer, money in payment of the purchase, and who and which of them?

"7th. Who was the treasurer previous to yourself?

"8th. Has the Georgia Company paid up the whole of the purchase money?

"9th. At what time was it paid?

"10th. Who are the treasurers of the other companies?

"Answers of James Meriwether to the questions of the committee.

"Answer 1st Question. I was treasurer to the Georgia Mississippi Company, and received seventy pounds per annum for that duty, and resigned on coming to this place.

"2nd. I do not know who they were; the accounts were opened, not in the names of persons, but by the number of certificates; when I received your money, I receipted by the number of the certificate.

"3rd. I do not.

"4th. I am not. I am interested as a purchaser in that company.

"5th. I do not.

"6th. I never received any money from any member of the Legislature, as I recollect; but I am pretty certain I did not.

"7th. Mr. Amasa Jackson.

"8th. They have.

"9th. About the last of August, he thinks.

"I certify that the foregoing were the answers of James Meriwether to the questions of the committee, set down in the half sheet hereunto annexed, the said James Meriwether being first sworn before me, presence of the committee.

"Thomas Lewis, J. P."

"Questions Asked Philip Clayton.

"1st. Question. Were you intimately acquainted with Roberts Thomas, Esquire, deceased, one of the Senate of the State of Georgia, during the last session of the Legislature at Augusta; and did he live in your house during that session?

"2nd. Had you, or had you not, conversation with him on the subject of the sale of the Western territory of this State, whilst such subject was in agitation, or before or after that time?

"3rd. Did he, or did he not, tell you, or give you to understand, that he held a share or shares in some one or more of the companies who purchased the lands; and did he, or did he not, make known to you that such share or shares were given to him by the company or companies, without being liable to pay any money therefor; and that his certificate differed from those given to persons out of the Legislature in that respect?

"4th. Are you, or are you not, acquainted with some one or more of the grantees of the said companies and have you, or have you not, heard some one or more of them say that the said Roberts Thomas did receive a gratuitous certificate for a share or shares in the purchase, and that he would not be content with one in the usual form?

"5th. Have you, or have you not, heard the said

Roberts Thomas say that he received any sum or sums of money from any of the companies or any individual of those companies, either in consideration of his share or shares or otherwise, for being in favor of the sale of the land; or have you, or have you not, heard any member of either of the said companies declare that the said Roberts Thomas did receive any sum or sums of money for, or on account of, such shares or otherwise, from any of the members of the said companies, for that consideration?

"6th. From every circumstances which has come to your knowledge, do you, or do you not know or believe that the said Roberts Thomas, or any members of the last Legislature, were absolutely interested in the purchase of the Western lands, or did receive money, or anything, to induce him or them to vote for the sale thereof?

"7th. Did you, or did you not, understand from the question you put to Roberts Thomas, when he brought you the money, and the answer in which he answered it, that he had received the money for his vote in the Legislature, or being in favor of the sale of the land?

"8th. Do you, or do you not, know the associates of the respective companies?

"Answer 1st question. I was intimately acquainted with Mr. Thomas; he did live in my house during that session.

"2nd. He had before, at and after the passing of the act.

"3rd. After the passing of the act, he brought a considerable sum of money to my house, and asked me to take care of it; I believe it was two thousand dollars; on which I asked him how he got it, or if he got it for his proportion on the land, or words to that effect; he said, it is nothing to you, take care of it; and smiled.

"4th. I am acquainted with the grantees of the companies; I never heard it from any of them.

"5th. I did not, but have my opinion.

"6th. I do not know, but suppose they were, from general supposition.

"7th. I did suppose, from a knowledge of Mr. Thomas' circumstances, that he could not have got that sum of money, unless it had been in that way, either directly or indirectly.

"8th. I do not. Mr. Longstreet executed a renunciation of dower of lands belonging to the Georgia Company, in favor of Mr. Maher.

"Phi. Clayton.

"Sworn to, as aforesaid."

"James Terrell, Esquire, being duly sworn, saith, Thomas Raburn, Esquire, one of the members of the last Legislature said, in presence of this deponent, some small time after the rising of the General Assembly, that he, the said Raburn, had purchased a part of the Western lands, during that season, and whilst he was a member of the house of Representatives, and that he had sold it again.

"Jas. Terrell.

"Sworn to, as aforesaid."

"John Shepperd, Esq., a member of the last Legislature at Augusta, being duly sworn, saith, that just before the bill for the disposal of the Western lands came before the House at the last session, he had frequent conversations with William Longstreet, Esq., and other members of the Legislature, who recommended to the deponent strongly to be in favor of selling the lands, and if he

would, he should come in for shares to the amount of one hundred thousand acres. The deponent said he did not think it right to sell the lands, but the said Longstreet told him if he would, he might make a fortune for himself and family forever, or words to that effect. The deponent said it would be injurious to the community, and it would be displeasing to our constituents to dispose of their rights. The said Longstreet then said it was no matter; that the deponent nor himself need not care, provided they could get the land, whether they ever came there again, or words to that effect. That the deponent had a conversation with Philip Clayton, at the State House, about the 20th of December, 1794, concerning the lands, when the said Clayton urged him, the deponent, to go home; that the same evening, the said Clayton called the deponent in this office, and told the deponent that, provided he would give him, the said Clayton, an order on the Speaker for his warrant which, he said, by his calculation, was twenty-eight pounds, and go home immediately and return no more, that he would give deponent seventy pounds. The deponent answered, that he had business up town, and returned to him no more that night; a few evenings afterwards, the said Clayton told deponent that he need not be angry at him, for it was at the request of General Gunn, and he would pay the expense.

"John Shepperd.

"Sworn to, as aforesaid."

"David Glenn, sworn, saith that he went down to Augusta during the last session of the Legislature, whilst the act for the sale of the Western lands was under the deliberation of the General Assembly; that he put up with

Mr. Wilkinson and Mr. Shepperd, two members of the General Assembly, at Mr. M'Teer's in Augusta; that he frequently talked with Mr. Wilkinson on that subject, and advised him not to agree to sell it, for it would hurt his popularity, that the said Wilkinson said it would not, for that he thought that it was best. That, after deponent found the land would be sold, he was anxious to get part of it, and applied to Mr. Cox, one of the trustees in one company, to know if he could get part; that Mr. Cox told deponent he could not, for that all the shares were taken up; that he then applied to the said Ruben Wilkinson to know that if he could get him a part, who said he would, and did let the deponent have a share, which was in the name of the said Ruben Wilkinson, and was for about twenty-seven thousand acres, or thereabout, subject to a deduction. The deponent further saith, that he frequently heard Ruben Wilkinson say, after the Legislature rose, that he should make a great deal of money by that measure. That during the sitting of the Legislature Mr. Longstreet frequently urged deponent to try to prevail upon Mr. Shepperd, another member, to go home; the deponent said he could not influence Mr. Shepperd—the deponent understood and believed that the said Longstreet wished to get Mr. Shepperd to go home to prevent him voting against the sale of the lands, that he likewise had a conversation with Mr. Wilkinson, who also asked the deponent if Shepperd would not go home. The deponent answered he did not know. When Wilkinson replied by God, I wish he would. The deponent further saith that, before the Assembly rose and before the Governor signed the bill, he, the said Wilkinson, showed the deponent two written certificates, for four shares each or for a certain number of acres, the deponent does not

precisely recollect, which said certificates did not mention that any sum was to be paid for them. They were signed by Nathaniel Pendleton, Chairman. He believes that, afterwards, the said Wilkinson showed deponent two printed certificates from the Tennessee Company, one from the Georgia Company for fifty-six thousand acres, signed by James Gunn, Matthew McAllister and George Walker, he believes, and two printed certificates from the Georgia Mississippi Company; that the said Wilkinson informed the deponent the first two written certificates had been given up, and that he had received the last two printed ones in lieu thereof.

"David Glen.

"Sworn to, as aforesaid."

"Robert Flournoy, Esq., being duly sworn, saith that, at the last session of the Legislature before the last, he made an acquaintance with Judge Pendleton; that the said Judge Pendleton contemplated and made proposals to the Legislature to purchase part of the vacant territory; that he then offered deponent a share, provided the business succeeded; that not being the case, the deponent attended at the last session, when that subject came on the carpet again. That then William Longstreet called on deponent, one morning at his lodging, and informed him that he, deponent, was set down for a share of 75,000 acres, in the Georgia Company; that the deponent was informed that he was set down by the influence of General Gunn; the deponent further saith that the meetings of the Georgia Mississippi Company were held at the deponent's quarters; that he was present at some of their meetings, and during the passage of the act for the disposal of the Western lands, he thinks General

Gunn sent for deponent, and asked him if he was intimate with Henry Mitchell, Esquire, a Senator from the County of Warren. The deponent answered he was. General Gunn then requested the deponent to go to him, the said Mitchell, and propose to him to take a share of 75,000 acres of the lands, on the same terms of the other purchasers, and, at the same time, to urge him to vote for selling the land. The said Gunn mentioned that Captain Raines had a share of 56,000 acres, or thereabouts, who was a brother-in-law to Mr. Mitchell, but that Mr. Mitchell should have a share exclusive of that. The deponent made such a proposal, which Mr. Mitchell refused. The deponent further saith, that the said General Gunn requested him, at sometime during that session, and before the bill for selling the land was passed, to go to Roberts Thomas, a member of the Senate from Hancock County, and know if he was earnest in the business, for that he was fearful he did not intend to be uniform, for he was afraid the fellow was frightened, or words of that nature; that the deponent did call on Mr. Thomas for that purpose, who told him that he meant to be uniform. The deponent, after the rising of the Legislature, saw the said Thomas in the streets of Augusta, when the said Thomas made this observation: 'They blame me for speculation, now I will speculate, Flournoy; you have been speculating all your life, and I will make more money in two years than you have made in your whole life.' The deponent replied, 'I believe you have made more in two months, or less time.' "R. Flournoy.

"Sworn to, as aforesaid."

"Robert Flournoy, further saith, that Roberts Thomas, Esquire, in a conversation before the meeting of the last

Legislature, told the deponent that he should be in favor of a sale, as he thought it would be an advantage to the State, if it came forward in a favorable shape. The deponent further saith, that General Gunn likewise told deponent, during the sitting of the Legislature, that no member of the Legislature should or could expect to have a share if he did not vote for the bill.

"R. Flournoy.

"Thomas Lewis."

"James Simms, Esquire, one of the Representatives from the County of Columbia, being duly sworn, saith, that he had frequent conversations with Roberts Thomas, Esquire, a member of the Senate of this State, at the last session of the Legislature at Augusta; that the deponent did frequently, during that session, and whilst the act for the disposal of the Western territory was in agitation, advised the said Roberts Thomas not to vote for the sale of the said lands; that the said Thomas said there was an opportunity of making something very clever, and if he did vote for it, he would; the deponent told the said Roberts Thomas that the purchasers would deceive him and after he had voted in favor of it he would get nothing; to which the said Thomas replied, he would take care to make himself secure before he gave his vote.

"The deponent further saith, that, during the last session of the Legislature, whilst the said bill for the disposal of the Western lands was on the carpet, General Gunn called on deponent, and told him that he was fearful the bill would be lost. Luke Mann, Esquire, a member of the Senate, as the deponent understood that day, voted against the bill; Gunn then said, Simms, I suppose, from what I have heard, you are a poor man, and you

now have an opportunity of making something handsome for yourself and family; if you will prevail on Mann to vote for the bill I will give you fifty thousand acres of land. The deponent further saith that the said Gunn told the deponent he would give the same, if he would get Mr. Wood, a Senator, to vote for it, or any other member of the Senate; that he was in company with Mr. John King, and Mr. Samuel Wright, two members of the same Senate, at their quarters in Augusta; that a conversation arose about the sale of the Western lands; the deponent expressed himself as opposed to that measure; the said John King and Samuel Wright told deponent that he ought not to oppose it, for he might make something clever, if he would come into the measure, or words of that nature.

"James Simms.

"Sworn to, as aforesaid."

"Burrall Pope, Esq., one of the members of the last and present Senate of this State, being duly sworn, saith, that being a member of the Senate at the last session of the Legislature, he lodged at Mr. Herbert's in Augusta, with Mr. Harrison Musgrove, then a member of the House of Representatives from the said County; that one evening, whilst the bill for the disposal of the Western territory was in its passage, the said Musgrove told the deponent he had found out more than ever he knew before; that he had discovered there were two shares in Cummings' company reserved for himself and every member that would take them; the deponent further saith that, at another time, said Musgrove, said to deponent, 'Friend Pope, I am authorized to tell you that you can have one hundred guineas for your part;' to which the deponent

answered he had no part; that at another time Musgrove further told the deponent that he might get five hundred silver dollars.

"Burrall Pope.

"Sworn to, as aforesaid."

"Henry G. Caldwell, Esq., being duly sworn, saith that, during the sitting of the last Convention at Louisville, the deponent had a conversation with General Gunn; when the said General Gunn asked deponent who was to be Governor next year; the deponent said he heard Judge Stith mentioned; the said Gunn shook his head and said it would not do, that Stith had been ungrateful to his poor relations, for that he had made a great deal of money by the speculation and had not been generous to them; the deponent asked the said General Gunn how much Judge Stith had made by that business. General Gunn answered thirteen thousand dollars. The deponent then asked the said Gunn if the said Stith had a share in the lands; to which General Gunn gave no direct answer, but said he had engaged to give Judge Stith thirteen thousand dollars for his influence in passing the law for disposal of the lands; that if the law passed, Stith was to have the money; that the law had passed, and that, in consequence, he had given him a draft for the money, and he either had received, or would receive, it.

"Henry G. Caldwell."

"David B. Mitchell, a member of the last as well as the present Legislature of the said State, being duly sworn, maketh oath and saith, that on his return from Augusta, after the rising of the Legislature, he rode in company

with Thomas Wylly, Esq., a member of the Senate of that Legislature from the County of Effingham, when a conversation took place between the said deponent and the said Thomas Wylly, on the sale of the Western territory of this State, which took place during that session; when the said Thomas Wylly told this deponent that he, the said Wylly, had sold a share which he had held in one of the companies who had purchased the said territory, to one Wilson, a merchant in Augusta, for which he had got a negro fellow named Dublin, which was either in full or in part for the said share; but this deponent believes the negro was only in part, for the said Wylly also informed this deponent that he had some money besides, which was paid him on account of said share; and further, that the said negro Dublin was then riding behind the carriage in which the said Wylly and this deponent were; and this deponent further saith that, at the same time, the said Wylly told deponent that he would make eight or ten negroes by the shares he held in the different companies who purchased the said territory; that this deponent then observed to the said Wylly that he had not made as much as some others of the Senate had; when the said Wylly observed that he had engaged too soon, that he was not so lucky as some of them who had held off until the last.

"D. B. Mitchell.

"Sworn to, as aforesaid."

"Henry Mitchell, Esq., Senator from the County of Laurens, in the last and the present General Assembly, being duly sworn, saith, that during the sitting of the last Legislature at Augusta, the deponent was sent for by Mr. Cumming, one of the grantees of the Georgia Mis-

sissippi Company, to his house, where, in a conversation about the sale of the Western territory, the said Mr. Cumming asked the deponent his opinion as to the propriety of such sale; the deponent answered it was a subject that would come before him in the Senate, and, consequently, he did not think proper to form his opinion before it did come forward; that the said Mr. Cumming further told deponent that, provided he thought it right to sell the lands, he should not be precluded from having a share, although a member, for that the companies had made provision for shares for all the members, provided they thought fit to take them.

"Henry Mitchell.

"Sworn to, as aforesaid."

"James McNiel, Esq., a member of the Representative branch of the last Legislature, and now a member of the Senate, being duly sworn, saith that, in a short space of time after the adjournment of the last Legislature, he was in the town of Augusta, in company with Andrew Innis, who told him that he was one of the associates contemplated in an act passed by the aforesaid session, for disposing of a part of the Western territory of this State; that the purchasers and their associates were reduced to the necessity of passing a credit in favor of Roberts Thomas, then Senator of Hancock County, as an associate, for the full amount of eight clear shares of land, without his paying one shilling for the same, whereby they did procure the vote and interest of him, the said Thomas, in passing the aforesaid act. That after the Legislature adjourned the said Roberts was alarmed, and did propose to sell or let his eight shares, as aforesaid, revert to the grantees and their associates, for a sum not

less than three nor more than five thousand dollars, which proposal was acceded to; and that he, as one of the associates, was called in for his proportionate part of the aforesaid sum, which he did pay; whereby the claim of the aforesaid Roberts was thereby extinguished for and in the behalf of the grantees and their associates, or words to that effect.

"Jas. McNiel.

"Sworn to, as aforesaid."

"John Thomas, being duly sworn, saith, that his late brother, Roberts Thomas, a member of the Senate at the last Legislature, told the deponent that the companies who purchased the Western lands had complimented the said Roberts Thomas with something, either a share, or shares, or something of that kind; that he does not suppose that his late brother could have had the sum of two thousand dollars in cash before the meeting of the Legislature, nor had he sold any part of his property about that time, as the deponent knew of; the deponent further saith that his late brother was possessed of a note of hand for nine hundred dollars given by Jacob Waldburgher, to which the name of A. Jones is signed as a witness; that he does not know that his brother sold Mr. Waldburgher any property. The deponent further saith that after his brother was wounded, he told his brother he had voted for the sale of the lands and thought he had done right, and was it to do again, he would do the same; that the deponent does not believe that the companies gave the said R. Thomas any moneys; and that if he had a large sum of money, he must have got it by the sale of the

lands or shares which the companies had given him, as he supposes.

"John Thomas, Jr.

"Sworn to, as aforesaid."

"James Lucas, being duly sworn, saith, that sometime after the breaking up of the last Legislature, when Roberts Thomas, Esquire, as a member of Senate in that Legislature, had returned to Hancock County, that this deponent heard that the said Roberts Thomas was either selling or about to sell off all of his property, and to remove; that this deponent then went, with some of his neighbors to the house of said Thomas and had some conversation with him on the sale of the Western territory, when the said Roberts Thomas informed him, this deponent, that he was, and always had been, in favor of the sale of the said territory, and that the companies who had purchased the same had let him have a share or two in the said lands; and this deponent further saith, that on the day of election for members to Congress, the deponent saw a Mr. Walburgher at the election for Hancock County, who informed the deponent that he had purchased a share of the said lands from the said Roberts Thomas and that he had given his note of hand for the same for nine hundred dollars, which share he, the said Walburgher, had afterwards sold, by which he made a profit of one hundred and twenty-five dollars; and this deponent further saith, that on or about the day on which the last Legislature adjourned, he was in Augusta, and that John King, Esq., a member of the Senate, carried the deponent to the house of Mr. Thomas Cumming, and there spoke, as he believes, to one of the grantees of the Georgia Mississippi Company, who let the deponent have

a share in said company; that the deponent did, in consequence thereof, receive a certificate for one share, for which he paid one hundred dollars; and further, that sometime in the beginning of August last, this deponent, being in Augusta, saw Ruben Wilkinson, a member of the last Legislature, there, who informed the deponent that he had a share in the Tennessee Company, and that he had but a few minutes before paid the balance of the purchase money therefor.

"James Lucas.

"Sworn to, as aforesaid."

"Captain Robert Raines, being duly sworn, saith, that a day or two before the adjournment of the last Legislature, he was in Augusta, and in company with John King, Esq., a member of the Senate in that Legislature; that this deponent introduced to the said John King, Captain James Lucas; that said King then asked the said Lucas into the house where the said King lodged, to drink some grog with; that, when the said King came out of the house, he informed this deponent he had given the said Lucas a share, by which he understood a share in some of the companies who purchased the Western territory, and observed, at the same time, with an oath, that he had more lands besides than he and his sons knew what to do with; and that the deponent afterwards asked Captain Lucas whether the said King had given him the said share, and was answered that he had, but that he, the said Lucas, was to pay the purchase money. And this deponent further saith, that, during the sitting of the last Legislature, and previous to the passing of the act for the sale of the Western territory, Philip Clayton, Esq., Treasurer of this State, called on this deponent and informed

him, if you could prevail on Mr. Mitchell, a member of the Senate in that Legislature, and the brother-in-law of this deponent, to go home, he, the deponent, might have five hundred dollars, pounds, or guineas, this deponent does not remember which, and any appointment from the Legislature he would ask, which was in their power to give. The said Clayton observed, at the same time, that as the deponent was the brother of Mr. Mitchell, he thought he might have influence enough with him to prevail on him to go home, as the act would be passed whether he went home or not; to which deponent made some small reply, and the said Clayton then said, he hoped the deponent would not think anything of him, for he was authorized to say what he did. And this deponent further saith, that sometime on or about the 1st of August last, he was in Augusta, and saw Richard Warsham, a member of the Legislature, there, who had a share in the Georgia Company, commonly called Gunn's Company, and was offering the same for sale to Mr. Maher; that this deponent also saw Reuben Wilkinson, a member of the last Legislature, in Augusta, at the same time, who informed this deponent he had shares in the purchase of the Western lands, and that he wished to sell them.

"Robert Raines.

"Sworn to, as aforesaid."

"Andrew Baxter, being duly sworn, maketh oath, that some time previous to the passing of the first bill for the disposal of the Western territory of this State, by the last Legislature, the deponent being at Augusta, and conceiving a step hurtful to the country, thought it his duty to give his thoughts to the representation of his county, which was Hancock, and accordingly called on Senator

Roberts Thomas, and reprobated the act, which said Thomas vindicated; that the deponent told him that it would be generally thought he was interested, if he voted in favor of the bill, when it was so generally disapproved by his constituents; to which the said Thomas replied, that he did not know he was interested, but that those who voted in favor of the bill were provided for in the articles of the different companies; upon which the deponent replied, he should consider that as indirect bribery.

"Andrew Baxter.

"Sworn to, as aforesaid."

"William Sallard, of the county of Hancock, being duly sworn, maketh oath, that on or about the 22nd, 23rd or 24th day of January, 1795, he, the deponent, was at Augusta, procuring some articles and disposing of some tobacco, and that, during the said term, he was at General Glascock's, one of the grantees of the Western territory; that a conversation took place between the General and himself relative to it, and concerning Roberts Thomas, the Senator (in the Legislature which disposed of it), for the said county of Hancock; that the General asked the deponent what the people of Hancock thought of Thomas, and if they would kill him; the deponent replied, he did not know they would kill him, but that he would stand a good chance of chugging a sapling, or words to that effect; for they had an idea that Thomas was bribed; the General replied that he did not know that he was bribed, but he had a good deal of the land; that he himself had purchased some of the shares, and had paid himself, with a Mr. Nightingale, to Thomas, seventeen hundred dollars, to the best of this deponent's

recollection; and four hundred dollars to John Thomas, as he believes Roberts Thomas' brother, for the land. That the General further said, the other companies he expected had also paid the said Roberts as much money for lands or shares as he had paid. That he, yesterday, on his way down, met with John Thomas, the said Roberts Thomas' brother, who acknowledged to the deponent that he had received money from General Glascock.

"William Sallard.

"Sworn to, as aforesaid."

"Office Clerk of the House of Representatives,

"Georgia, Louisville, 25th August, 1801.

"I do certify that the annexed eight sheets contain a true extract from the journal of the House of Representatives of this State, at a session of the General Assembly in January, 1796.

"Geo. R. Clayton, for

"Hines Holt, Clerk H. R."

With this record before it, the General Assembly, on February the 13th, passed the Act repealing the Act granting the western territory to the four companies named. Immediately after the passage of this Act authorizing the sale, the purchasing companies paid to the State $50,000 in cash, and the Governor immediately executed deeds or grants to these companies, and the companies, in turn, executed mortgages payable to the State for the remainder of the purchase money, and these mortgages were all fully paid up and cancelled during the year 1795.

Section 4 of the Repeal Act contained the following:

"4. And be it further enacted, That his excellency the governor be, and he is hereby empowered and required to issue warrants on the treasurer after the expiration of sixty days in favor of such persons as may have bona fide deposited monies, bank bills, or stock in the funds of the United States or warrants, in part, or in whole payment of pretended shares of the said pretended purchased territory; Provided, The same shall be now therein and not otherwise; And provided, also, That the risk attending the keeping the sum or sums so paid in, be deemed and is hereby declared to lay entirely with the persons who deposited them, and that any charge of guards or other expenses for safe keeping thereof, be deducted therefrom; and in case of neglect of application to his excellency therefor within eight months after the passing of this act, the same shall be and is hereby deemed property, directed and escheated to and for the use of this State.

"Concurred, February 13, 1796,

"Jared Irwin, Governor.

"Time extended by Act of February 10, 1799, Sections 1, etc."—Marbury and Crawford's Digest of the Laws of Georgia, 1802, Pages 579-581.

Under the provisions of this Act a very large amount of the purchase money was repaid. The latest report on this subject made by the Treasurer of Georgia and the Comptroller-General bears date, August 2, 1802, and that report, both as to the money received and the money refunded, is set out in American State Papers, already mentioned, as follows:

"Accompanying the report of the Commissioners appointed to settle limits with the State of Georgia.

"There were deposited in the treasury of the State of Georgia, under the usurped act of the 7th of January, 1795, five hundred thousand dollars, as the pretended consideration money for the Western territory of this State, by the pretended purchasers, who formed themselves into the following companies, to-wit:

"Georgia Company, consisting of James Gunn, Matthew McAllister, George Walker, and their associates	$250,000
"Georgia Mississippi Company, consisting of Nicholas Long, Thomas Glascock, Thomas Cumming, Ambrose Gordon, and their associates	155,000
"Tennessee Company, consisting of Zachariah Cox, Matthias Mather, and their associates	60,000
"Upper Mississippi Company, consisting of John R. Scott, John C. Nightingale, and Wade Hampton	35,000
	$500,000

"From which several sums of money, the following applicants, under the acts of the Legislature of this State, have withdrawn the respective amounts opposite their names.

Name of Applicants	To Which Company Belonging	Number and Date of Return Order.	Amount
John Whitney,	Georgia Company,	No. 1—Jan. 23, 1798,	$ 141.01
Thomas Johnson,	Tennessee Company,	No. 2—June 1, 1798,	229.60
John B. Girrideau,	Tennessee Company,	No. 3—June 1, 1798,	70.00
John B. Girrideau,	Georgia Mississippi Company,	No. 4—June 1, 1798,	138.11
George Parker,	Georgia Company,	No. 1—Feb. 20, 1799,	5,880.00
John Curry,	Georgia Company,	No. 2—Feb. 21, 1799,	3,500.00
Owen Owens,	Georgia Company,	No. 3—Feb. 21, 1799,	3,500.00
Richard Wayne, jun.,	Georgia Mississippi Company,	No. 4—Mar. 16, 1799,	400.00
Fanny Forsyth, on behalf of her son J. Forsyth, a minor,	Georgia Mississippi Company,	No. 5—Mar. 18, 1799,	400.00
John Fox,	Georgia Company,	No. 6—Mar. 25, 1799,	2,000.00
George Ker,	Georgia Company,	No. 7—Mar. 25, 1799,	1,000.00
Emanuel Wambersie,	Georgia Company,	No. 8—Mar. 25, 1799,	2,000.00
Matthew Johnson, James Robertson, and James Johnston,	Georgia Company,	No. 9—Mar. 25, 1799,	1,000.00
John M'Iver,	Georgia Company,	No. 10—Mar. 25, 1799,	2,000.00
John Taylor,	Georgia Mississippi Company,	No. 11—Mar. 27, 1799,	2,400.00
John Taylor,	Georgia Mississippi Company,	No. 12—Mar. 27, 1799,	714.25
Andrew M'Credie,	Georgia Company,	No. 13—Mar. 27, 1799,	6,899.99½
Andrew M'Credie,	Georgia Mississippi Company,	No. 14—Mar. 27, 1799,	400.00
Andrew M'Credie,	Tennessee Company,	No. 15—Mar. 28, 1799,	876.01
Andrew M'Credie,	Upper Mississippi Company,	No. 16—Mar. 28, 1799,	118.24
Richard Wayne,	Georgia Company,	No. 17—Mar. 30, 1799,	1,000.00
Michael Burke,	Georgia Mississippi Company,	No. 18—April 29, 1799,	365.50
William Longstreet,	Georgia Company,	No. 19—June 8, 1799,	6,838.33
Andrew M'Credie, David M'Credie and James Gregory,	Georgia Company,	No. 20—Aug. 7, 1799,	4,184.69⅔

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Name of Applicants	To Which Company Belonging	Number and Date of Return Order.	Amount
Andrew M'Credie, David M'Credie and James Gregory,	Georgia Mississippi Company,	No. 21—Aug. 7, 1799,	$ 2,625.53
Andrew M'Credie, David M'Credie and James Gregory,	Tennessee Company,	No. 22—Aug. 7, 1799,	658.61
Andrew M'Credie, David M'Credie and James Gregory,	Upper Mississippi Company,	No. 23—Aug. 7, 1799,	421.67
Joseph Downs,	Tennessee Company,	No. 24—Sept. 23, 1799,	116.66⅔
Thomas Napier,	Tennessee Company,	No. 25—Sept. 28, 1799,	143.00
Zachariah Cox,	Tennessee Company,	No. 26—Sept. 30, 1799,	2,000.00
Joseph Miller,	Georgia Mississippi Company,	No. 27—Oct. 9, 1799,	116.66⅔
Messrs. Kennedy and Parker,	Georgia Company,	No. 28—Oct. 9, 1799,	1,000.00
James Hamilton,	Tennessee Company,	No. 29—Nov. 8, 1799,	143.00
Charles Crawford,	Tennessee Company,	No. 30—Nov. 20, 1799,	143.00
James Murren & Co.,	Georgia Mississippi Company,	No. 31—Dec. 13, 1799,	1,823.00
James Murren & Co.,	Upper Mississippi Company,	No. 32—Dec. 13, 1799,	273.10
James Murren & Co.,	Georgia Company,	No. 33—Dec. 13, 1799,	364.79
Messrs. Hamilton and Harper,	Georgia Company,	No. 34—Jan. 15, 1800,	233.33½
John Wilson,	Georgia Mississippi Company,	No. 35—Jan. 15, 1800,	1,200.00
Gustavus Gaines,	Tennessee Company,	No. 36—Mar. 6, 1800,	429.00
Henry Smerdon,	Georgia Mississippi Company,	No. 37—Mar. 8, 1800,	116.67½
James Murren & Co.,	Georgia Company,	No. 38—Mar. 25, 1800,	2,683.53
James Murren & Co.,	Tennessee Company,	No. 39—Mar. 25, 1800,	214.32
James Murren & Co.,	Tennessee Company,	No. 40—Mar. 25, 1800,	350.00
James Murren & Co.,	Georgia Mississippi Company,	No. 41—Mar. 25, 1800,	1,403.35⅔
James Warrington,	Georgia Mississippi Company,	No. 42—April 7, 1800,	3,600.00
James Warrington,	Georgia Company,	No. 43—April 7, 1800,	9,473.33
Zachariah Cox,	Georgia Company,	No. 44—April 9, 1800,	13,267.07
Thomas D. M. Johnson,	Tennessee Company,	No. 45—April 15, 1800,	74.66⅔
David M'Cormick,	Georgia Company,	No. 46—April 18, 1800,	165.86
David M'Cormick,	Upper Mississippi Company,	No. 47—April 18, 1800,	182.53½

Name of Applicants	To Which Company Belonging	Number and Date of Return Order.	Amount
Geo. Sibbaldm, att'y for Jas. Greenleaf,	Georgia Company,	No. 48—April 22, 1800,	$ 4,350.00
Joseph G. Posner,	Georgia Company,	No. 49—April 22, 1800,	2,824.10½
Joseph G. Posner,	Upper Mississippi Company,	No. 50—April 22, 1800,	646.33½
Joseph G. Posner,	Georgia Mississippi Company,	No. 51—April 22, 1800,	321.12
Joseph G. Posner,	Tennessee Company,	No. 52—April 22, 1800,	121.33
M. Maher, A. Harper, and Q. Hamilton,	Georgia Mississippi Company,	No. 53—May 7, 1800,	5,600.00
Peter Robinson, by attorney,	Georgia Mississippi Company,	No. 54—May 7, 1800,	800.00
John Powell, by attorney,	Georgia Mississippi Company,	No. 55—May 7, 1800,	400.00
Joseph Ryan,	Tennessee Company,	No. 56—May 9, 1800,	828.00
Joseph G. Posner,	Tennessee Company,	No. 57—May 27, 1800,	405.41⅔
John A. Hoffer,	Georgia Mississippi Company,	No. 58—Aug. 12, 1800,	116.56⅔
Richard and Charles Tubman, by attorney,	Georgia Mississippi Company,	No. 59—Nov. 15, 1800,	1,600.00
John Hall,	Georgia Company,	No. 60—Nov. 15, 1800,	157,219.93⅔
David Robinson, by attorney,	Georgia Mississippi Company,	No. 61—Dec. 5, 1800,	400.00
Thomas Gilbert,	Tennessee Company,	No. 62—Jan. 31, 1801,	2,728.00
Zachariah Cox,	Tennessee Company,	No. 63—Mar. 2, 1801,	21,080.61½
Andrew M'Credie,	Georgia Mississippi Company,	No. 64—April 13, 1801,	1,600.00
Levin Wailes,	Georgia Mississippi Company,	No. 65—May 9, 1801,	7,520.00
Oliver Porter, by attorney,	Georgia Mississippi Company,	No. 66—July 3, 1801,	509.65
Benajah Smith, by attorney,	Tennessee Company,	No. 67—July 3, 1801,	140.81
William Kennedy,	Georgia Mississippi Company,	No. 68—Oct. 1, 1801,	400.00
William F. Booker,	Georgia Mississippi Company,	No. 69—Nov. 12, 1801,	400.00
James Murren,	Georgia Company,	No. 70—Feb. 1, 1802,	604.71
Thomas Davis,	Georgia Mississippi Company,	No. 71—May 17, 1802,	800.00
			$310,695.14⅔

"Treasury Office, Georgia, **Louisville**, 10th August, 1802.

"EDWIN MOUNGER, Treasurer,

"I. MERIWETHER, Comptroller-General."

In order that the entire record of this transaction might be blotted out, the Legislature, in 1797, enacted as follows:

"And whereas, in and by an act passed the thirteenth day of February, in the year one thousand seven hundred and ninety-six, annulling the said usurped act passed the seventh day of January, one thousand seven hundred and ninety-five, the secretary, surveyor general and other public officers, were required, within three days after the passing of the same, to produce to the legislature all deeds and documents relating to the pretended sale of the Western Territory of this state, to be expunged therefrom, in order that no trace of so infamous a transaction should remain in the public offices of the state; and it appears that, either from the indisposition of the secretary of the state at that period, or through mistake or neglect, certain pretended mortgages relative thereto, and given by the pretended purchases, which were entered in the book of mortgages marked E. E. in the said office, were neglected to be produced to the late legislature to be expunged from the said book, and burnt in conformity to the concurred resolution under the authority of the said act; Be it therefore enacted, That the said book E. E. shall, on the day after the passing of this act, be brought into the representative chamber, and then and there, at or about the hour of twelve o'clock of the said day, the said pretended mortgages, entered in the said book E. E. from page one hundred and thirty-three to page one

hundred and sixty-two, inclusive, shall be carefully expunged from the said book E. E., and burnt in the presence of the Senate and House of Representatives; and the president of the Senate and Speaker of the House of Representatives shall designate, under their hands, on a sheet of paper to be inserted or pasted on in the place from whence they shall be so taken, the authority by which the same was done, and the number of pages so expunged."

"Concurred February 10, 1797,
"Jared Irwin, Governor."

————————Marbury & Crawford's Digest of the Laws of Georgia, 1802, Page 581.

The following was pasted and inserted in lieu of pages one hundred and thirty-three to one hundred and sixty-two, inclusive, book E. E., the intervening pages having been cut out of the book:

"The pages here expunged, from one hundred and thirty-three to one hundred and sixty-two, inclusive, was done in presence of both branches of the Legislature pursuant to and by virtue of the authority of an Act of the State Legislature passed the present session entitled An Act to extend the time for the pretended purchasers of the western territory of this State to receive the sums they deposited in the Treasury and for further expunging from the face of the public records certain entries relative to the pretended sale of the western territory of this State under the usurped act of the seventh day of January, one thousand seven hundred and ninety-five.

"In witness whereof the undersigned President of the

Senate and Speaker of the house of Representatives have hereunto set their names this eleventh day of February, one thousand seven hundred and ninety seven.

"David Emanuel, President of Senate,
"David Meriwether, Speaker of the House
of Representatives."

Teste,
Jas. M. Simmons, Clk. H. R.

The mortgages cut out of book E. E. had been satisfied and cancelled by or before November 1, 1795. These mortgages were for the following amounts:

The Georgia Company	$200,000
The Georgia Mississippi Company	124,000
The Tennessee Company	48,000
The Upper Mississippi Company	30,000
Total	$402,000

This sum of $402,000 added to the payments which were made prior to the passing of the bill, and which aggregate $98,000, completed the payment of $500,000 for the land embraced in all of these grants.

Chapter VI.

SALE OF WESTERN TERRITORY TO THE UNITED STATES.

In 1785 the Legislature created the County of Bourbon, on the Mississippi River. The land in this county, however, was not to be disposed of until some subsequent Act of the Legislature.

In 1788 Georgia offered to the United States to sell a strip of territory one hundred and forty miles wide, as shown by the Act of February 1st, 1788. The proposal was this: To sell "All right, title and claim, as well of soil as jurisdiction, which this State hath to that territory or tract of country within the limits of the State of Georgia, situate, lying and comprehended within the boundaries hereinafter described; that is to say, beginning at the middle of the River Chattahoochee or Apalachicola where it intersects with the 31st degree of north latitude; and from thence due north one hundred and forty British statute miles, thence due west to the middle of the Mississippi, thence down the middle of said river to where it intersects the 31st degree of north latitude, thence along said degree to the beginning."

The consideration to be paid for this was stated as follows: "That the sum of $171,428.45/90 which has been expended in quieting the minds of the Indians and resisting their hostilities, shall be allowed as a charge against the United States, and be admitted in payment of the specie requisitions in this State's quota that then or may be required by the United States." This offer of sale Congress rejected. The Act of February 1, 1788,

as it contained the offer to the United States to sell territory which would embrace the County of Bourbon, the Act in the second section repeals the Act of 1785 creating Bourbon County.

Section 23 of the Constitution of 1798 defines the boundary lines of the State, the Mississippi River at that time being the western boundary. After reciting these boundary lines, Section 23 contains the following:

"Sect. 23————**Provided nevertheless,** That nothing herein contained shall be construed, so as to prevent a sale to, or contract with the United States, by the legislature of this State, of and for all or any part of the western territory of this State, laying westward of the river Chattahoochee, on such terms as may be beneficial to both parties; and may procure an extension of settlement, and an extinguishment of Indian claims, in and to the vacant territory of this State, to the east and north of the said river Chattahoochee, to which territory such power or contract or sale, by the legislature, shall not extend."—Marbury & Crawford's Digest of the Laws of Georgia.

Section 24 provides:

"24. The foregoing section of this article having declared the common rights of the free citizens of this State, in and to all the territory without the present temporary boundary line, and within the limits of this State, thereby defined, by which the contemplated purchases of certain companies of a considerable portion thereof are become constitutionally void, and justice and good faith require, that the state should not detain a consideration for a

contract, which has failed; the legislature at their next session, shall make provision by law, for returning to any person or persons, who has or have bona fide deposited monies for such purchases in the treasury of this state; Provided, That the same shall not have been withdrawn therefrom in terms of the act passed the thirteenth of February, one thousand seven hundred and ninety-six, commonly called the rescinding act, or the appropriation laws of the years one thousand seven hundred and ninety-six, and one thousand seven hundred and ninety-seven; nor shall the monies, paid for such purchases, ever be deemed a part of the funds of this state, or be liable to appropriation as such, but until such monies are drawn from the treasury, they shall be considered altogether at the risque of the persons who have deposited the same." —Marbury & Crawford's Digest of the Laws of Georgia, Page 25.

It will be noted that the Constitution of 1798 gave to the Legislature power to dispose of all of the public domain lying west of the River Chattahoochee. The Legislature, in 1802, entered into an agreement with the United States by which this western territory was ceded, and that agreement of cession was as follows:

"Article 1. The State of Georgia cedes to the United States all the right, title, and claim, which the said State has to the jurisdiction and soil of the lands situated within the boundaries of the United States, south of the State of Tennessee, and west of a line, beginning on the western bank of the Chattahoochee river, where the same crosses the boundary line between the United States and Spain; running thence up the said river Chattahoochee;

and along the western bank thereof, next above the place where a certain creek or river, called "Uchee," (being the first considerable stream on the western side, above the Cussetas and Coweta towns) empties into the said Chattahoochee river; thence, in a direct line, to Nickajack, on the Tennessee river; then crossing the said last mentioned river; and thence, running up the said Tennessee river, and along the western bank thereof, to the southern boundary line of the State of Tennessee; upon the following express conditions, and subject thereto; that is to say:

"First, That out of the first net proceeds of the sales of the lands thus ceded, which net proceeds shall be estimated by deducting, from the gross amount of sales, the expenses incurred in surveying, and incident to the sale, the United States shall pay, at their treasury, one million two hundred and fifty thousand dollars to the State of Georgia, as a consideration for the expenses incurred by the said State, in relation to the said territory; and that, for the better securing as prompt a payment of the said sum as is practicable, a land office, for the disposition of the vacant lands thus ceded, to which the Indian title has been, or may hereafter be extinguished, shall be opened within a twelvemonth after the assent of the State of Georgia to this agreement, as hereafter states, shall have been declared.

"Secondly, That all persons who, on the twenty-seventh day of October, one thousand seven hundred and ninety-five, were actual settlers within the territory thus ceded, shall be confirmed in all the grants legally and fully executed prior to that day, by the former British Government of West Florida, or by the Government of Spain, and in the claims which may be derived from any actual

survey or settlement made under the act of the State of Georgia, entitled 'An Act for laying out a district of land, situate on the river Mississippi, and within the boundaries of this state, into a county, to be called Bourbon,' passed the seventh day of February, one thousand seven hundred and eighty-five.

"Thirdly, that all the lands ceded by this agreement to the United States shall, after satisfying the above mentioned payment of one million two hundred and fifty thousand dollars to the State of Georgia, and the grants recognized by the preceding condition, be considered as a common fund, for the use and benefit of the United States, Georgia included, and shall be faithfully disposed of for that purpose, and for no other purpose whatever; provided, however, that the United States, for the period, and until the end of one year after the assent of Georgia to the boundary established by this agreement shall have been declared, may, in such manner as not to interfere with the above-mentioned payment to the State of Georgia, nor with the grants hereinbefore recognized, dispose of or appropriate a proportion of the said lands, not exceeding five millions of acres, or the proceeds of the said five millions of acres, or of any part thereof, for the purpose of satisfying, quieting, or compensating, for any claims other than those hereinbefore recognized, which may be made to the said lands, or to any part thereof. It being fully understood that, if an act of Congress making such disposition or appropriation shall not be passed into a law within the above mentioned period of one year, the United States shall not be at liberty to cede any part of the said lands on account of claims which may be laid to the same, other than those recognized by the preceding condition, nor to compensate for the same; and in case

of any such cession or compensation, the present cession of Georgia to the right of soil over the lands thus ceded or compensated for shall be considered as null and void, and the lands thus ceded or compensated for shall revert to the State of Georgia.

"Fourthly, That the United States shall, at their own expense, extinguish, for the use of Georgia, as early as the same can be peaceably obtained, on reasonable terms, the Indian title to the country of Talassee, to the lands left out by the line drawn with the Creeks, in the year one thousand seven hundred and ninety-eight, which had been previously granted by the State of Georgia, both which tracts had formally been yielded by the Indians; and to the lands within the forks of Oconee and Ocmulgee rivers; for which several objects the President of the United States has directed that a treaty should be immediately held with the Creeks; and that the United States shall, in the same manner, also extinguish the Indian title to all the other lands within the State of Georgia.

"Fifthly, That the territory thus ceded shall form a State, and be admitted as such into the Union, as soon as it shall contain sixty thousand free inhabitants, or at an earlier period, if Congress shall think it expedient, on the same conditions and restrictions, with the same privileges, and in the same manner, as is provided in the ordinance of Congress, of the thirteenth day of July, one thousand seven hundred and eighty-seven, for the Government of the Western territory of the United States; which ordinance shall, in all its parts, extend to the territory contained in the present act of cession, that article only excepted which forbids slavery."—American State Papers, Vol. XVI.; Public Lands, Vol. I., Pages 125, 126.

This agreement embraced the essential three features:

1. That the United States was to pay to the State of Georgia $1,250,000 cash out of the proceeds of the first sales made by the Government of the ceded territory.

2d. That the United States should protect all grants legally and fully executed to land within the ceded territory by the British Government in West Florida or the Government of Spain, and in the claims which may be derived from any actual survey or settlement made under the Act of the State of Georgia, entitled "An Act for laying out a district of land, situate on the River Mississippi into a county to be called Bourbon." Congress was limited in that it was to use the proceeds of not exceeding five millions of acres for the purpose of satisfying, quieting, or compensating, for any claims other than those hereinbefore recognized, which might be made to the said lands or to any part thereof. This provision gave to Congress the problem of settling any controversies which might arise growing out of the grants made January 5, 1795, to the Georgia Company, the Georgia Mississippi Company, the Upper Mississippi Company and the Tennessee Company.

Immediately after the cession of Georgia territory to the United States, these companies made their appeals to Congress, claiming that their title to these western lands was perfect and should be protected and that these companies should either have their land or their money. All questions relating to controversies about Georgia lands were referred by Congress to a Commission, composed of James Madison, Albert Gallatin and Levi Lincoln. On February 16th, 1803, this Commission made its report on the subject of the claims of the four companies, with the following recommendations:

"It is after having considered the subject in that point of view, that the commissioners have been induced to submit the following propositions as the basis of a compromise.

"1st. That so much of five millions of acres as shall remain after having satisfied the claims of settlers, and others, not recognized by the agreement with Georgia, which shall be confirmed by the United States, be appropriated for the purpose of satisfying and quieting the claims of the persons who derive their claims from an act of the State of Georgia, passed on the 7th day of January, 1795; for which purpose the several companies, or claimants under those companies, shall be permitted to locate the quantity of land allotted to them, on any part of the territory they claim, to which the Indian title has not yet been extinguished; Provided, however, That the whole shall be located in no more than six tracts; And, Provided, also, That each tract shall extend the whole breadth or length of the territory claimed by the parties respectively, and shall not have a greater proportionate front on the rivers than the whole territory thus claimed.

"2nd. That the claimants may, nevertheless, receive, in lieu of the said lands, certificates, bearing interest from the 1st January, 1804, to the amount of two millions five hundred thousand dollars, or, at their option, certificates without interest, to the amount of five millions of dollars; which certificates shall, in either case, be paid (principal and interest), out of the proceeds of the sales of the public lands in the territory of the United States above mentioned, next ensuing the completion of the payment of one million two hundred and fifty thousand dollars, to be made to the State of Georgia; and shall also

be receivable in payment for the lands purchased in the territory, as soon as the payment to Georgia shall have been completed.

"3rd. That the lands, or certificates, shall be apportioned amongst the several companies in the following manner, that is to say: the proportion of each company, exclusively of the tracts which may have been surrendered, shall, on every five hundred dollars or acres which shall be allowed in the whole, be as followeth:

"For the Upper Mississippi Company, exclusively of citizens' rights 35

"For the Tennessee Company, exclusively of citizens' rights 60

"For the Georgia Mississippi Company, exclusively of citizens' rights 155

"For the Georgia Mississippi Company, not exceeding 225

"For citizens' rights, not exceeding 25

500

"4th. That every original grant, deed, or other evidence of claim from which the companies or claimants derive, or pretend to derive, their respective claims, shall be exhibited to the Secretary of State, within a twelvemonth, and there recorded at the expense of the parties; and, unless thus recorded, shall never after be admitted, or considered as evidence in any of the courts of the United States, against any other grant from the State of Georgia, or from the United States."

The total number of acres of land acquired after 1802 by the United States for the State of Georgia from the

Creek and Cherokee Indians is shown by the following statement furnished to Congress March 26, 1824:

A.

STATEMENT of the quantity of Land, to which the Indian title has been extinguished, and remains to be extinguished, in the state of Georgia, under the compact of 24th April, 1802.

INDIAN LANDS.

	Sq. Miles	Acres
Land of the Cherokees, not ceded to the United States	9,620	6,156,800
Land of the Creeks, not ceded to the United States	6,380	4,083,200
Total of lands not ceded	16,000	10,240,000
Lands of the Creeks and Cherokees, ceded to the United States	24,600	15,744,000
Of which, there has been ceded by the Creeks, acres	14,748,690	
And by the Cherokees	995,310	15,744,000
Viz. By the former, Under the treaty of 8 Jan., 1821	3,500,000	
Viz. By the former, Under the treaty of 22 Jan., 1818	1,450,000	
Viz. By the former, Under the treaty of 9 Aug., 1814	7,084,800	
Viz. By the former, Under the treaty of 14 Nov., 1805, and of 16 June, 1802	2,713,890	14,748,690
By the latter, under the treaty of 27 Feb., 1819	700,000	
By the latter, under the treaty of 8 July, 1817	295,310	995,310
Total of land that has been ceded		15,744,000

Computed from Sturges' map of the state of Georgia.

Top. ENGINEER BUREAU,
March 26, 1824.

I. ROBERDEAU, Maj. Top. Engineers.

The Hon. John C. Calhoun, Secretary of War.

NOTE.—It is understood that, from the surveys which have been made by Georgia, the quantity of land ceded by the Cherokees in that state, under the treaties of 1817 and 1819, is ascertained to be 1,349,907 acres, instead of the amount computed from the

map; making a difference of 354,597 acres. Should this be correct, the difference must be made up to the Cherokees in the Arkansaw, which will increase the expense of the purchase to the Government, (estimating the difference at the minimum price of the public lands) $443,246.25.

On March 27, 1822, in State Papers, first session Eighteenth Congress, is found the following statement showing what it has cost the United States in the way of carrying out this agreement of 1802:

STATE PAPERS—1st Sess., 18th Congress.

STATEMENT, shewing the amount of expense incurred by the United States, under the compact with the state of Georgia, of 24th of April, 1802.

Amount paid for the purchase, commonly called the Yazoo purchase.	$1,250,000.00	
Amount awarded to Yazoo claimants, by the Commissioners appointed under the Act of 3rd March, 1815	4,282,151.12½	
Total amount paid to the State of Georgia and Yazoo claimants		$5,532,151.12½
Amount paid under treaties with the Creek Indians, (including the expenses of holding the treaties) since the date of the compact above mentioned, for extinguishment of Creek title in Georgia..	573,692.36	
Amount paid under treaties with the Cherokees, (including expenses, &.) since the date of the aforesaid compact, for extinguishment of Cherokee title in Georgia	34,189.00	
Amount expended in holding a treaty in the years 1822 and 1823, with the Cherokees, for a further extinguishment of their title in Georgia, but which failed	5,565.27	
Amount expended for purchase of reservations granted to Creek and Cherokee Indians in Georgia, including the expense of negotiating the purchase	35,145.75	

Total amount paid on account of purchases, from the Creek and Cherokee Indians, and the expense of holding the treaties for that purpose	$ 658,592.38	
Amount which remains to be paid under the treaties with the Creek Indians above referred to, on account of annuities, and for claims of citizens of Georgia against said Indians	300,362.52	
Total amount paid, and remaining to be paid, under treaties with the Creeks and Cherokees		$ 958,954.90
By the treaties with the Cherokees, the United States agreed to give them a quantity of land on the Arkansaw, equal to that ceded by them; and the quantity ceded in Georgia is estimated to be about 995,310 acres, which, estimated at $1.25, (the minimum price of the public lands as fixed by Act of 24th April, 1820,) amounts to...		1,244,137.50
Whole amount of expenses incurred by the United States, under the Convention of Georgia		$7,735,243.52½

NOTE.—There is an unexpended balance of the appropriation, per Act 7th May, 1822, for holding treaties with the Creek and Cherokee Indians, for a further extinguishment of their title in Georgia, of $29,424.30; and, also, of the appropriation, per act of 1st March, 1823, for the purchase of reservations granted to Creek and Cherokee Indians in Georgia, of $14,854.25; which balances are still applicable to these objects, and amount to $44,278.55.

WAR DEPARTMENT, 27th March, 1824.

Chapter VII.

GEORGIA CHANGES HER METHOD OF PARTING WITH TITLE TO HER PUBLIC DOMAIN.

The beginning of Georgia's prodigal generosity in the matter of giving away her public domain was the grant made by Governor George Walton, on June 20, 1789, to John Gardner. The records show that on that date Governor Walton signed fifty grants, each for one thousand acres of land in Washington County, to John Gardner. The records show that on March 21, 1796, Governor Jared Irwin signed one hundred and twenty-five grants of one thousand acres each, of land in Montgomery County, to Thomas Shields.

Between these two dates—June 20, 1789, and March 21, 1796—three and one-half times as much land as was then embraced in the established boundaries and organized area of the State had been granted by Governors Walton, Telfair, Matthews and Irwin.

The records show that on August 4, 1794, one thousand and fifteen warrants were issued by the Land Court of Montgomery County to James Shorter, each warrant directing the Surveyor of Montgomery County to survey and plat for James Shorter one thousand acres of land. In one of the record books in the State department is a book containing plats of these one thousand and fifteen tracts of one thousand acres each, and on the back of this book, in gilt letters, is the name "Shorter." An examination of this record of plats will show that on August 4th warrants were issued and on August 12th surveys were made by J. Shorter, as Deputy Surveyor,

for J. Shorter, for twenty-five thousand acres of land, the surveys being made August 12th; that on August 13th, J. Shorter, as Deputy Surveyor, surveyed for J. Shorter, in Montgomery County, fifty-two thousand acres of land; that on August 20th, J. Shorter, Deputy Surveyor, surveyed for J. Shorter forty thousand acres of land; that on August 28th J. Shorter, Deputy Surveyor, surveyed for J. Shorter fifty-six thousand acres of land, and that on August 30th J. Shorter, Deputy Surveyor, surveyed for J. Shorter thirty-four thousand acres of land. All these lands were located in Montgomery County and of course no survey whatever was made of any one of these tracts of one thousand acres of land, but a fabricated and fictitious record of the same was made showing as to each one thousand acre tract the date of the warrant, the date of the alleged survey, the name of the alleged Deputy Surveyor, the name of the grantee, and all surveyed by M. Wood, County Surveyor.

These enormous grants of land were sought and obtained by speculators who desired and expected to sell their holdings outside of the State of Georgia. It is impossible to discover in the law any authority in any Governor to grant, under the head-right laws, more than one thousand acres of land to any one person, and yet we see, as early as June 20th, 1789, Governor Walton granted fifty thousand acres to one man; that as late as March 27th, 1796, Governor Irwin granted as much as one hundred and twenty-five thousand acres of land to one man, while Governor Matthews, in 1794, granted more than one million acres of land to James Shorter.

It is not surprising, therefore, that in 1789, while Georgia was giving away her land within her occupied boundaries, the three Yazoo Companies appeared on the scene

and offered to buy vast quantities of land in the unoccupied territory of Georgia lying on its extreme western border. The history of the Yazoo Companies is given elsewhere.

It can not be surprising that, in the midst of this prodigal land policy of the State, four other companies appeared on the scene in 1794, and purchased from the State something like thirty million acres of land on its far away western boundary. In the case of the individuals who received grants to land within the occupied portion of Georgia actual grants were issued and duly signed by the Governor of the State. In the case of the Yazoo Companies no grant or conveyance of any kind was ever signed by the Governor. In the case of the four companies who purchased, under the Act of January 7, 1795, actual deeds were made, each describing the area purchased.

In 1803, immediately after Georgia had acquired from the Creek Indians the territory embraced in Wayne County, the State adopted a radical change of policy in the matter of disposing of her newly acquired public lands. The head-right principle in the head-right counties was in no way changed, as, in fact, there was no need for change, because in that portion of the State more land had already been granted than could possibly be found. As to the territory embraced in Wayne County and in the territory west of the Oconee River, the lottery system was substituted for the head-right system. In other words, before parting with any part of this land it was all to be surveyed up into land districts and land lots and these were to be disposed of by lottery to citizens of Georgia only. The Act approved May 11, 1803, provided for the laying off of the County of Wayne, the

land lots to be seventy chains square. In this Act every detail is carefully provided for, but the complete change in practice and policy of the State made at that time, and maintained ever since, is fully revealed in that section of the law prescribing the duty of surveyors. Section five provides:

"And be it further enacted by the authority aforesaid, That it shall be the duties of the surveyors appointed in pursuance of this act, to make the surveys of the districts to which they may respectively be appointed in their own proper persons; to mark or cause to be marked, plainly and distinctly, upon trees, if practicable, otherwise stakes may suffice, all lines which it may be required of them to run, for the purpose of making the surveys in their respective districts, immediately after the boundary line shall have been run by the proper authority, to cause all such lines to be run with the utmost possible exactness, with a half chain, containing two perches of sixteen feet and one half each, consisting of fifty equal links, which shall be adjusted by a standard, to be kept for that purpose in the Surveyor-General's Office; to take as accurately as possible, the meanders of all water courses which shall form natural boundaries to any of the surveys, and of all navigable rivers, whereby any of such surveys may happen to be divided; to note, in field books to be kept by them respectively, the names of the corner and other station trees, which shall be marked and numbered in such manner as the Surveyor-General shall direct; also all rivers, creeks and other water courses, which may be touched upon or crossed in running and measuring any of the lines aforesaid; transcripts of which field books after being examined with the originals, by the Surveyor General, and certified and signed on

every page by the district surveyors returning the same, shall be deposited in the Surveyor General's Office, there to be preserved as a record."—Clayton's Digest, Page 102.

Section 8, of this Act of 1803, was as follows:

"Sec. 8. And be it further enacted by the authority aforesaid, That the said land shall be appropriated by lot in the manner following, to wit: After the surveying is completed, and the returns made to the Surveyor General, his Excellency the Governor, shall cause tickets to be made out whereby all the numbers of the surveys in the different districts shall be represented, which tickets shall be put into a box to constitute prizes, with others to be denominated blanks, of which blanks the number or amount shall be determined, by substracting the number of prizes from the whole number of draws to which the said lottery shall be subject, upon the following principles, that is to say—Every free male white person, twenty-one years of age and upwards, being a citizen of the United States, and an inhabitant of this State, twelve months immediately preceding the passage of this act, or paid a tax towards the support of government (including such as may be absent on lawful business), shall be entitled to one draw: Every free white male person of like description, having a wife, legitimate child or children, under twenty-one years of age, shall be entitled to two draws; and all widows having a legitimate child or children, under the age of twenty-one years, who have resided twelve months in this State, immediately preceding the passage of this act, shall be entitled to two draws; and all families of orphans, under twenty-one years of age, having no parents living, shall be entitled to one draw.

"Sec. 9. And be it further enacted by the authority aforesaid, That lists of persons entitled to draw, in conformity to the provisions of this act, shall be taken and made out within three months from the passage thereof, by any three or more of the justices of the Inferior Courts of the respective counties, or such fit and proper persons as they may appoint not exceeding one for each county, who shall previous to their entering on the duties of their appointment, severally enter into bond and security, to be approved by the said justices, in such reasonable sum as they may deem necessary, for the faithful discharge of the trust reposed in them, and also to take and subscribe an oath in writing faithfully to perform the duties required of them by this act.—And it shall be the duty of the said justices, or any three or more of them, or such persons as they may appoint, to attend at the courthouses of the respective counties, on as many several days as the said justices may deem necessary and appoint, for the purpose of taking and making out such lists, giving at least ten days previous notice of such attendance, by advertisement, at five or more of the most public places in the respective counties; and the names of all persons entitled to draw, with the number of draws to which they may be entitled, shall be entered into a book, to be provided for that purpose in each county, which said list or book, shall immediately after the same shall have been completed and transcripts thereof deposited in the clerk's office of the Superior Courts, be transmitted by the said justices to his Excellency the Governor, for which said services the said justices, or such persons as they may appoint as aforesaid, shall receive from the persons entitled to draw, on entering their names respectively, for each draw, twelve and an half cents: And

his Excellency the Governor is hereby authorized and required forthwith to issue his proclamation, and cause the same to be published in all gazettes of this State, setting forth the outlines of this act, and requiring all persons interested therein, to exhibit their claims in the counties of their respective residence, supported by oath or affirmation, of one or more creditable witnesses, where doubts exist in the minds of the said justices, or persons to be appointed by them as aforesaid.

"Sec. 10. And be it further enacted by the authority aforesaid, That immediately after the returns shall have been received from the district surveyors, and the Justices of the Inferior Courts, his Excellency the Governor be authorized and he hereby is required, to cause four lists to be made, and arranged in alphabetical order, of the persons entitled to draws, and cause the lottery to be carried into effect, conformably to the provisions contained in this act, under the superintendency of five managers, or a majority of them, to be appointed by the Legislature, who shall apportion the blanks and prizes in the manner aforesaid, and give one months public notice, in all the gazettes of the State, previous to the commencement of the drawing, and shall set forth, in such notification, the days of drawing for the names enrolled under the letter A, the days of drawing for the names enrolled under the letter B, and so on throughout the alphabet, commencing the drawing with the names belonging to the first letter.

"Sec. 11. And be it further enacted by the authority aforesaid, That all persons against whose names lands may be drawn in pursuance of this act, shall be entitled to receive grants, which shall be issued under the hand of his Excellency the Governor, and the great seal of

the State, on application of fortunate drawers respectively, who shall have complied with the requisitions of this act, and being applicable to them, their respective heirs and devisees, investing in them fee simple titles, to the particular survey or surveys of lands, drawn against their names respectively, by paying into the Treasury of this State, within three months immediately after the drawing is completed, the sum of nine dollars per hundred acres, for river lands of the first quality—seven dollars per hundred acres, for river land of the second quality—seven dollars per hundred acres, for high land of the first quality—four dollars per hundred acres, for high land of the second quality—two dollars per hundred acres, for all third quality land—and half a dollar per hundred acres, for all pine land; and that prices shall be affixed to said lands, in the following manner, viz.—All river land of the first quality, at one dollar per acre; all river land of the second quality, at fifty cents per acre; all up land of the first quality, at fifty cents per acre; all up land of the second quality, at twenty five cents per acre; all up land of the third quality, at twelve and a half cents per acre; all pine land at six and a quarter cents per acre, which shall be paid by the following instalments, viz:—One third of the price of the respective tracts, on or before the expiration of three years, to be computed from the first payment; and one third annually thereafter, until the whole price of the land is discharged, before the said fortunate drawers shall receive a grant for the same, and in case of failure in any of the aforesaid payments, the said land shall revert to and be vested in the state; Provided, nevertheless, That the said fortunate drawers shall be at liberty to pay up the whole amount, at any time before the expiration of the five years, and shall be

entitled to receive a grant immediately on so doing."—Clayton's Digest, Pages 103-105.

The prices named in the foregoing were all changed by an Act passed during the following year, Section 1 of which was as follows:

"Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That the persons against whose names any survey or surveys of land shall be drawn in pursuance of the before recited act, or their legal representatives, shall be entitled to receive grants for the same, vesting in them fee simple titles free of purchase, immediately on paying into the Treasury of this State, the sum of four dollars per hundred acres, in lieu of all fees of office and other charges, for surveying and granting the said land, any thing in the said act contained to the contrary notwithstanding."—Assented to December 6, 1803. Clayton's Digest, Pages 120-121.

The next lottery was that authorized by the act of June 26, 1806, and provided for the laying off of Baldwin and Wilkinson Counties into land districts and land lots, and provided for the disposition of these lots by lottery. The general plan of the Lottery of 1806, and in fact of all succeeding lotteries, was practically the same as that under which the lands of Wayne County were disposed of, the only difference in the different lotteries was the price fixed on the lands disposed of. The Lottery Act of 1806 fixed the price at six dollars per one hundred acres.

Although a period was fixed in each Lottery Act within which the grants must be taken out or the land would

be forfeited to the State, the privilege of taking out grants was continued by annual revivals for a number of years.

Lands included in the Lotteries of 1803 and 1805, embraced the territory between the Oconee and Ocmulgee; and lands in Wayne County, after 1826, could be granted to any person in his own name, on the payment of $5. This was a perpetual Act. (Vol. IV. 261, Sec. III.)

The Lottery of 1818 and its amendments, embraced Appling, Early, Irwin, Walton, Gwinnett, Hall, Habersham and Rabun Counties. The grant fee, from the drawing, till November, 1823, was $18. Thence till December, 1826, it was $12. (Vol. IV. 275, 252, 258.) Thence till November, 1830, $8. (Ib. 261, 339, 269, 345.) Thence till November, 1831, $6. (Act of 1830, Pam. 147.) And thence till December, 1837, $5. (Act of 1831, Pam. 149.) Any citizen of the State was allowed to take a grant in his own name, of lands in this lottery, at any time, on paying—from December 5, 1828, $100—from April, 1829, $50—and from August, 1829, $25.

The grant fee for lands disposed of by the Lottery of 1821, being the territory between the Ocmulgee and Flint Rivers, extending from Dooly to DeKalb Counties, inclusive, was, till November, 1823, $19. (Vol. IV. 249, Sec. 20.) Thence till December, 1826, it was $12. (Ib. 275, 252, 258.) Thence till December, 1827, $10. (Ib. 261.) Thence till December, 1830, $8. (Ib. 329, 269, 345.) Thence till December, 1831, $6. (Pam. of 1830, P. 147.) And thence till December, 1837, $5. (Pam. of 1831, P. 149.)

The Lottery of 1825 covered all the territory in the State, west of the Flint, above the Baker and Early line, and below Paulding and Cobb. The grant fee by the act (Sec. 21), was $18, which in 1829 (Vol. IV. 346) was

reduced to $12; and in 1830 (Pam. 148) the time was enlarged to December 25, 1837, and the fee reduced to $8.

Grants for Cherokee lands under the Land Lottery of 1830 and its amendments, and the Gold Lottery of 1831, and the subsequent Fraction Lottery, paid $18, for whole or fractional lots; and $10 for gold lots or fractions: to be taken out within five years from the drawing. The Land and Gold Lotteries were drawn in the winter of 1832-3, and the fractions in the ensuing December. A resolution of December, 1823 (Vol. IV. P. 36 of Res.), prescribed the fees ($4.50) on fractions sold by the State. —Prince's Digest, Page 568.

Chapter VIII.

THE SUPREME COURT AND CONGRESS MAKE FINAL DISPOSITION OF YAZOO CLAIMS.

Of the several tracts of land granted to the Georgia Company, the Georgia Mississippi Company, the Upper Mississippi Company and the Tennessee Company, two million acres were reserved for the use of such citizens of Georgia as chose to subscribe to the original terms of the purchase, the moneys paid by those citizens to the State being considered as part of the purchase money of the companies in whose territory they subscribed. The price paid by the citizens who did subscribe was two and one-third cents per acre, it being the price then supposed to have been paid by the companies.

The Georgia Company consisted of ten shares.

The Georgia Mississippi Company was divided into sixteen hundred equal undivided shares, and the President and Directors of the company, in January, 1796, sold the whole, except the six hundred and twenty thousand acres reserved for citizens of Georgia, to certain individuals in Massachusetts under the name and style of the New England Mississippi Company. The title was conveyed to Trustees, for use of the company, and the company had two thousand two hundred and twenty-six shares. As will appear later, this company received from the United States, $1,007,633.89.

The Upper Mississippi Company was divided into twelve shares, and the Tennessee Company into four hundred and twenty shares.

April 24th, 1802, Georgia ceded its western territory to the United States, ignored all previous grants, and Article 1, Paragraph 3, of that agreement was as follows:

"Thirdly, That all the lands ceded by this agreement to the United States shall, after satisfying the above mentioned payment of one million two hundred and fifty thousand dollars to the State of Georgia, and the grants recognized by the preceding condition, be considered as a common fund, for the use and benefit of the United States, Georgia included, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever: provided, however, that the United States, for the period, and until the end of one year after the assent of Georgia to the boundary established by this agreement shall have been declared, may, in such manner as not to interfere with the above mentioned payment to the State of Georgia, nor with the grants hereinbefore recognized, dispose of or appropriate a proportion of the said lands, not exceeding five millions of acres, or the proceeds of the said five millions of acres, or of any part thereof, for the purpose of satisfying, quieting, or compensating, for any claims other than those hereinbefore recognized, which may be made to the said lands, or to any part thereof. It being fully understood that, if an act of Congress making such disposition or appropriation shall not be passed into a law within the above mentioned period of one year, the United States shall not be at liberty thereafter to cede any part of the said lands on account of claims which may be laid to the same, other than those recognized by the preceding condition, nor to compensate for the same; and in case of any such cession or compensation, the present cession of Georgia to the right of soil

over the lands thus ceded or compensated for shall be considered as null and void, and the lands thus ceded or compensated for shall revert to the State of Georgia."—American State Papers, Vol. XVI, Page 126.

This agreement was ratified by Georgia, June 16, 1802.—Clayton 51.

In 1803 a Commission was appointed by Congress, consisting of James Madison, Albert Gallatin and Levi Lincoln, to adjust all land claims in the Mississippi territory.

On February 14, 1803, this Commission, having before it the agreement of cession of April 24th, 1802, and all information filed by claimants made in regard to the four companies, the following report was made:

"It is after having considered the subject in that point of view, that the commissioners have been induced to submit the following propositions as the basis of a compromise:

"1st. That so much of five millions of acres as shall remain after having satisfied the claims of settlers, and others, not recognized by the agreement with Georgia, which shall be confirmed by the United States, be appropriated for the purpose of satisfying and quieting the claims of the persons who derive their claims from an act of the State of Georgia, passed on the 7th day of January, 1795; for which purpose the several companies, or claimants under those companies, shall be permitted to locate the quantity of land allotted to them, on any part of the territory they claim, to which the Indian title has not yet been extinguished: Provided, however, That the whole shall be located in no more than six tracts: And

provided, also, That each tract shall extend the whole breadth or length of the territory claimed by the parties respectively, and shall not have a greater proportionate front on the rivers than the whole territory thus claimed.

"2d. That the claimants may, nevertheless, receive, in lieu of the said lands, certificates, bearing interest from the 1st January, 1804, to the amount of two millions five hundred thousand dollars, or, at their option, certificates without interest, to the amount of five millions of dollars; which certificates shall, in either case, be paid (principal and interest) out of the proceeds of the sales of the public lands in the territory of the United States above mentioned, next ensuing the completion of the payment of one million two hundred and fifty thousand dollars, to be made to the State of Georgia; and shall also be receivable in payment for the lands purchased in the territory, as soon as the payment of Georgia shall have been completed.

"3d. That the lands, or certificates, shall be apportioned amongst the several companies in the following manner, that is to say: the proportion of each company, exclusively of the tracts which may have been surrendered, shall, on every five hundred dollars or acres which shall be allowed in the whole, be as followeth:

"For the Upper Mississippi Company, exclusively of citizens' rights	35
"For the Tennessee Company, exclusively of citizens' rights	60
"For the Georgia Mississippi Company, exclusively of citizens' rights	155
"For the Georgia Mississippi Company, not exceeding	225
"For citizens' rights, not exceeding	25
	500

"4th. That every original grant, deed, or other evidence of claim, from which the companies or claimants derive, or pretend to derive, their respective claims, shall be exhibited to the Secretary of State, within a twelvemonth, and there recorded at the expense of the parties; and, unless thus recorded, shall never after be admitted or considered as evidence in any of the courts of the United States, against any other grant from the State of Georgia, or from the United States.

"5th. That, after all the claims shall have been exhibited, the lands or certificates allotted to each company shall be apportioned in proportion to the quantity of land supposed to be contained within the respective claims, amongst the several claimants under each company, by commissioners, who shall also have power to decide, in conformity to the principles of law and equity, on all conflicting claims within each company.

"6th. That each individual claimant shall be allowed to have the benefit of these terms, for the amount of his claim thus ascertained, and to receive, at his option, his proportion, either of lands, of certificates bearing interest, or of certificates without interest.

"All which is respectfully submitted.

"ALBERT GALLATIN,
"JAMES MADISON,
"LEVI LINCOLN.

"February 14, 1803."

On January 17, 1805, this Commission reported as follows:

"There are recorded in the Department of State original titles to Georgia lands of the following description, to wit:

"Claiming under act of 1789.
"The Virginia Yazoo Company, and
"The South Carolina Yazoo Company.

"Under the above companies there are but few claimants other than the original purchasers from the State of Georgia.

"Claiming under the act of 1795.
"The Georgia Company,
"Upper Mississippi Company,
"Tennessee Company, and
"The Georgia Mississippi Company.

"Under the four last mentioned companies there are at least twelve hundred purchases derived from the grants by the State of Georgia."

The House of Representatives, on February 5th, 1805, called on the Secretary of State to lay before that body "an abstract of all the evidences of title to lands claimed under any Act or pretended Act of the State of Georgia, passed, or pretended to be passed, in the years 1789 and 1795," recorded in the office of that department, with the various particulars of dates, names of parties, quantity of lands, etc., required by the said resolution.

On February 13, 1805, Secretary Madison, in reply to this resolution, submitted a list found in American State Papers, Volume XVI, Public Lands, Vol. I, Pages 220 to 246.

James Gunn and William Few were the first Senators from Georgia under the Constitution, both being elected in 1789. James Gunn was elected for the term of six years and William Few was elected for the term of four years. When Few's term expired in 1793 James Jackson was elected for the term of six years, but resigned April

12, 1795, and was succeeded by George Walton by appointment, pending an election, and at the election Josiah Tattnall was elected for the full term expiring in 1799.

Jackson's resignation has already been discussed. As is known, he returned to Georgia, was elected to the Legislature, and had passed the Repealing Act of 1796.

James Gunn was re-elected Senator in 1795 for the term ending March 4th, 1801. We know very little of the history of Senator Gunn, except as the same is connected with the so-called Yazoo frauds, that is, the frauds of 1795.

It would seem, however, that Senator Gunn was possessed of a considerable estate in Georgia at the time of his death which occurred in 1802.

December 5, 1801, the Georgia Legislature passed a law regulating escheats, under which, the estates of persons who died without heirs, and without a will, escheated to the State. (Clayton's Digest, Page 24.)

On November 22, 1802, the Legislature passed a law "to quiet the claim of James Gunn, to the estates, real and personal, of General James Gunn, deceased."

The preamble to this Act stated that Brigadier General James Gunn died testate; "and it appearing from the strongest presumptive testimony, that he left a will and testament, but that the same has been lost or destroyed, so that there is no probability of its being found;" and "it also appears to have been the wish, desire and intention of the said General James Gunn, that his nephew, James Gunn, of the State of Virginia, should inherit, possess and enjoy, his estate, real and personal." The Act referred to provides that all of the estate of Brigadier General James Gunn "shall go to and be vested in the

said James Gunn, the nephew of the said Brigadier General James Gunn."

During the session of the Georgia Legislature in 1794 Senator Gunn was present in Augusta as a leading member of the Georgia Company, and a strong advocate of the passage of the bill selling the western lands, which bill was passed and received the Governor's signature, January 7, 1795.

"The four companies concerned had paid into the treasury $98,000.00 which must have been contributed by those persons composing the four companies, together with such sum or sums as may have been used for the purpose of corrupting the General Assembly. It is evident from an agreement produced to the Madison Commission that all the money required for this purchase had not been raised as of January 1, 1795.

In an agreement of that date, signed by James Gunn, Matthew M'Allister, George Walker, Zach. Cox, Jacob Waldburger, W. Longstreet and W. Hampton, as constituting the Georgia Company, there is a recital: "And whereas, it has been found expedient to dispose of a considerable quantity of the said lands to divers persons, for the purpose of raising a fund to effect the purchase of the same; and the said parties have also found it necessary to distribute to a variety of citizens of this State certain sub-shares or quantities thereof, in order that the benefit of such purchase, if any there be, should be as generally diffused as possible," it was agreed that such persons should be equally entitled to all the lands that remained unappropriated and undisposed of, and also to any surplus.

On January 10th, following the agreement just referred to, there was signed by these parties an agreement as follows:

"Whereas, since the execution of the annexed instrument of writing, the Legislature, in and by an act passed and dated at Augusta, the 7th day of January, in the present year of our Lord, 1795, entitled, An act supplementary to an act for appropriating part of the unlocated territory of this State, for the payment of the late State troops, and for other purposes therein mentioned; declaring the right of this State to the unappropriated territory thereof, for the protection and support of the frontiers of this State, and for other purposes. The land included within the limits described by the annexed agreement is sold unto James Gunn, Matthew M'Allister, and George Walker, and their associates, the Georgia Company, being the persons named in the said agreement. Now we, the said members of the Georgia Company, for us and our respective representatives, do hereby ratify by these presents, every matter and thing contained in said agreement, and do hereunto annex a schedule or list of persons who are entitled to our interest in said company, and the quantity contained therein, which is the whole quantity of land disposed of by the said company, in any manner or way whatever, and which list forms a part of this agreement: and it is fully understood and agreed upon that the said Georgia Company do consist of the following persons and number of shares, that is to say: James Gunn, one share for himself, and another for his friend; Matthew M'Allister, one share; George Walker, one share; Zachariah Cox, one share; Jacob Waldburger, one share; William Longstreet, one share; and Wade Hampton, three shares; being ten equal parts, or original shares, and that each share shall be entitled to one vote.

"Witness our hands and seals, this 10th day of January, 1795.

"JACOB WALDBURGER, (L. S.),
"WILLIAM LONGSTREET, (L. S.),
"W. HAMPTON, (L. S.),
"JAMES GUNN, for self and friend (L. S.),
"MAT. M'ALLISTER, (L. S.),
"GEO. WALKER, (L. S.),
"ZACH COX, (L. S.).

"Sealed and delivered in presence of
"Joseph Ware,
"T. Sumpter, Jun.

	Shares	Cash	Acres
The Hon. James Wilson	10	£25,000	750,000
Mr. Andrew M'Credie	2	2,000	150,000
John Currie	2	2,000	150,000
Thomas Young	4	5,000	300,000
Joseph Miller	2	2,000	150,000
John Fox	2	2,000	150,000
Owen Owens	3	3,000	225,000
John M'Iver	2	2,000	150,000
Emanuel Warbersie	2	2,000	150,000
Benjamin Sims	1	1,000	75,000
George Ker	1	1,000	75,000
Mat. and James Johnstone, and James Robertson.	1	1,000	75,000
Richard Wayne	1	1,000	75,000
George Woodruff	0-2/3	666.66-2/3	50,000
James Warrington	4	4,000	300,000
John Davis	1	200	56,000
Mrs. Elizabeth Carnes	0-2/3	178.50	50,000
R. G. Harper	1	1,000	75,000
			3,006,000

1. John King 112,000
2. Ferdinand O'Neal 112,000
3. William Cauthorn 74,000
4. Roger P. Saunders (for Davis Gresham) ... 74,000
5. Robert Walton 74,000
6. Thomas Wylly 74,000
7. Samuel Wright 74,000
8. Joseph Watts (for Luke Mann) 74,000
9. Henry Hampton 74,000
10. Roberts Thomas 74,000
11. Thomas Napier (in the name of Rob. Randolph) 56,000
12. .....
13. Roger Park Saunders 112,000
14. Stephen Heard 56,000
15. Archibald Gresham 56,000
16. Reuben Wilkinson 56,000
17. Henry Gindrat 56,000
18. Benjamin Sims (for Richard Warsham) 74,000
19. Roswell King 56,000
20. P. J. Carnes (for Richard Carnes) 74,000
21. William Moubray 56,000
22. James Warrington (for William Harden) .. 56,000
23. William T. Booker (for William Moore) 56,000
24. Wm. G. Gilbert 56,000
25. Philip Howell (for Caleb Howell) 56,000
26. John Davis (one-third for self, and one subshare, and one-third for J. Walker) 74,000
27. Lachlan M'Intosh 112,000
28. Benjamin Sims 28,000
29. Seaborn Jones 112,000
30. Richard Dickenson 28,000
31. The Hon. J. P. Carnes 112,000

32. George Henning 28,000
33. Benj. Sims (for Thomas McCall) 112,000
34. Philip Clayton 112,000
35. James Clay, Jr. (for himself and C. Woodruff) 28,000
36. Francis Tennil 28,000
37. John Poweli 28,000
38. John Y. Noell 28,000
39. Charles Crauford 28,000
40. David Creswell 28,000
41. William Triplett 28,000
42. Wm. T. Booker 28,000
43. Elijah Clark 56,000
44. Matthew Talbott 28,000
45. Arthur Fort 28,000
46. Jeremiah Cuyler 28,000
47. Darold M'Leod 28,000
48. Edward Watts 37,000
49. John Randolph 28,000
50. Benj. Harris (for self and sons) 28,000
51. John Green 28,000
52. John Appling 28,000
53. John Foster 28,000
54. Henry Hughes 37,000
55. Jacob Wood 28,000
56. John Cobb 28,000
57. Robert Flournoy 28,000
58. Abraham Simons 28,000
59. Brighton Dawson, Hugh M'Gehee, and Wm. Howell 28,000
60. William Fitzpatrick, and Oliver Porter 28,000
61. Col. Gamble, of Virginia 28,000
62. Robert G. Harper 56,000

63.	William Poe	28,000
64.	Alexander M'Millan	28,000
65.	James Warrington	50,000
66.	Andrew M'Credie (for Mrs. M'Law)	28,000
67.	Robert Raines	28,000
68.	Thomas Raiburn	56,000
69.	Thomas Heard	56,000
70.	William Urquhart	28,000
71.	Harrison Musgrove	56,000
72.	Samuel Jack	56,000
73.	Brig. Gen. Glasscock	56,000
74.	John C. Nightingale	56,000
		6,700,000
75.	Robert and John Forsyth	28,000
		6,728,000
	One million reserved by law, to be subscribed by the citizens	1,000,000
		7,728,000
	John Clark	28,000
		7,756,000

James Moss and John Talbott."
—American State Papers, Vol. XVI, Page 141.

James Gunn and William Few, as the first Senators from the State of Georgia, met with the first Congress in New York in 1789. Congress, after a considerable controversy involving the permanent location of the Capital and the assumption by the Government of the States' debts other than paper money incurred during the Revolutionary War, finally settled both controversies by

locating the Capital for ten years at Philadelphia, and thereafter on the Potomac, at or near the Village of Georgetown.

Virginia and Maryland jointly contributed an area of ten miles square, occupying both sides of the Potomac, thirty square miles being in Virginia and seventy square miles being in Maryland. Here the Capital was permanently located after 1800, and incidentally it may be related that the Virginia side of the District of Columbia was ceded back to Virginia in 1854 by Act of Congress.

Both North and South wanted the permanent Capital. The Northern States were much interested in the assumption of their State debts by the Federal Government, but the Southern States were not so deeply interested in this matter. Finally a compromise was arranged, primarily negotiated between Alexander Hamilton and Thomas Jefferson, whereby the Capital controversy was settled, the South getting the Capital on the Potomac and the North getting the benefit of the passage of the assumption bill.

So that, between 1790 and 1801, James Gunn, as Senator from Georgia, spent his first term and his second term in Philadelphia. His second term expired in 1801. The second term of Senator James Jackson, who had resigned April 12, 1795, began in 1801, and Senator James Jackson was a member of the Commission appointed by Georgia to formulate the agreement of cession between the United States and the State of Georgia. From 1793 to April, 1795, Senators Gunn and Jackson were associated as Senators in Philadelphia. A number of the cash subscribers mentioned were Philadelphia people, chief among these being James Wilson, who was Associate Justice of the Supreme Court from 1789 to 1799.

At this distance of time, and in view of Senator Jackson's hostility to the sale of this western land, it is a matter of surprise that the cession to the United States contained the third paragraph of Article one, which could not have had reference to anything except the recognition of the claims of these companies to the land which they had purchased from the State of Georgia, and for which they had made full and complete payment.

Bear in mind the agreement of cession was in 1802 and contained the provision taking care of these so-called Yazoo Companies.

In 1803 Madison, Gallatin and Lincoln recommended a compromise with these companies based on five million acres. In 1805 Congress called for a statement which was furnished, as has already been recorded, showing that there were one thousand two hundred claims, all of which claims were based upon deeds made by Georgia to these companies. The matter was in Congress and became a subject of heated political and personal controversy.

Pending the consideration of these claims by Congress, the case of Fletcher vs. Peck was brought and the Supreme Court of the United States in 1810 decided the case, and held that Georgia had no Constitutional right to pass the Repealing Act of 1796. The case of Fletcher vs. Peck can be best understood by the Supreme Court record. In 6th Cranch, Pages 87-148, this case is fully reported and that decision, in part, reads as follows:

"FLETCHER v. PECK.

"ERROR to the circuit court for the district of Massachusetts, in an action of covenant brought by Fletcher against Peck.

"The first count of the declaration states that Peck, by his deed of bargain and sale dated the 14th of May, 1803, in consideration of 3,000 dollars, sold and conveyed to Fletcher, 15,000 acres of land lying in common and undivided in a tract described as follows: beginning on the river Mississippi, where the latitude 32 deg. 40 min. north of the equator intersects the same, running thence along the same parallel of latitude a due east course to the Tombigby river, thence up the said Tombigby river to where the latitude of 32 deg. 43 min. 52 sec. intersects the same, thence along the same parallel of latitude a due west course to the Mississippi; thence down the said river to the place of beginning; the said described tract containing 500,000 acres, and is the same which was conveyed by Nathaniel Prime to Oliver Phelps, by deed dated the 27th of February, 1796, and of which the said Phelps conveyed four fifths to Benjamin Hichborn, and the said Peck by deed dated the 8th of December, 1800; the said tract of $500,000 acres, being part of a tract which James Greenleaf conveyed to the said N. Prime, by deed dated the 23d of September, 1795, and is parcel of that tract which James Gunn, Mathew M'Allister, George Walker, Zachariah Cox, Jacob Walburger, William Longstreet and Wade Hampton, by deed dated 22d of August, 1795, conveyed to the said James Greenleaf; the same being part of that tract which was granted by letters patent under the great seal of the state of Georgia, and the signature of George Matthews, Esq., governor of that state, dated the 13th of January, 1795, to the said James Gunn and others, under the name of James Gunn, Matthew M'Allister and George Walker and their associates, and their heirs and assigns in fee-simple, under the name of the Georgia company; which patent was issued by

virtue of an act of the legislature of Georgia, passed the 7th of January, 1795, entitled 'An Act supplementary to an act for appropriating part of the unlocated territory of this state for the payment of the late state troops, and for other purposes therein mentioned, and declaring the right of this state to the unappropriated territory thereof, for the protection and support of the frontiers of this state, and for other purposes."

That Peck, in his deed to Fletcher, convenanted "that the state of Georgia aforesaid was, at the time of the passing of the act of the legislature thereof (entitled as aforesaid), legally seized in fee of the soil thereof, subject only to the extinguishment of part of the Indian title thereon. And that the legislature of the said state at the time of passing the act of sale aforesaid, had good right to sell and dispose of the same in manner pointed out by the said act. And that the governor of the said state had lawful authority to issue his grant aforesaid, by virtue of the said act. And further, that all the title which the said state of Georgia ever had in the aforegranted premises has been legally conveyed to the said John Peck by force of the conveyances aforesaid. And further, that the title to the premises so conveyed by the state of Georgia, and finally vested in the said Peck, has been in no way constitutionally or legally impaired by virtue of any subsequent act of any subsequent legislature of the said state of Georgia."

The conclusions arrived at by the Supreme Court and announced in the decision of the court were as follows:

"If the breach of covenant assigned be that the state had no authority to sell and dispose of the land, it is not

a good plea in bar to say that the governor was legally empowered to sell and convey the premises, although the facts stated in the plea as inducement are sufficient to justify a direct negative of the breach assigned.

"It is not necessary that a breach of covenant be assigned in the very words of the covenant. It is sufficient if it show a substantial breach.

"The court will not declare a law to be unconstitutional; unless the opposition between the constitution and the law be clear and plain.

"The legislature of Georgia, in 1795, had the power of disposing of the unappropriated lands within its own limits.

"In a contest between the two individuals, claiming under an act of a legislature, the court cannot inquire into the motives which actuated the members of that legislature. If the legislature might constitutionally pass such an act; if the act be clothed with all the requisite forms of a law, a court, sitting as a court of law, cannot sustain a suit between individuals founded on the allegation that the act is a nullity in consequence of the impure motives which influenced certain members of the legislature which passed the law.

"When a law is in its nature a contract, when absolute rights have vested under that contract, a repeal of the law cannot devest those rights.

"A party to a contract cannot pronounce its own deed invalid, although that party be a sovereign state.

"A grant is a contract executed.

"A law, annulling conveyances, is unconstitutional, because it is a law impairing the obligation of contracts, within the meaning of the constitution of the United States.

"The proclamation of the King of Great Britain in 1763 did not alter the boundaries of Georgia.

"The nature of the Indian title is not such as to be absolutely repugnant to seizure in fee on the part of the state."

The decision of the Supreme Court in this case gave a very solid foundation to the Yazoo claimants, notwithstanding the fact that the State of Georgia had repealed the Act of January 7th, 1795, vesting titles of these lands, when paid for, in the four companies.

Congress, by Act of March 31, 1814, amended January 23, 1815, passed an Act entitled, "An Act providing for the indemnification of certain claimants of public lands in the Mississippi territory." This law created a commission whose duty it was to consider and pass upon all of these claims, and provided, "That as soon as the said commissioners shall have made report to the President of the United States of the sufficiency of such releases and assignments, to the amount of at least nine-tenths of the whole lands claimed by virtue of the sales made by the Legislature of the State of Georgia to the respective companies . . . . the President shall be and he hereby is authorized and required to cause to be issued from the Treasury of the United States, to such claimants (of convenient amount for circulation), certificates of stock, not bearing interest, and expressing on their face, that the same are payable out of the first moneys in the Treasury of the United States, arising from the sale of public lands in the Mississippi territory, after the money due to the State of Georgia and the expenses of surveying such lands have been satisfied.

"To the persons claiming in the name of, or under the Upper Mississippi Company, including such share or shares as may be found to have vested in the United States and for which the United States are to be considered entitled to the respective proportions for the same (and exclusive of all claims usually denominated in the former report of the commissioners aforesaid citizens' claims), a sum not exceeding in the whole three hundred and fifty thousand dollars.

"To the persons claiming in the name of, or under the Tennessee Company, under the foregoing terms and restrictions a sum not exceeding in the whole six hundred thousand dollars.

"To the persons claiming in the name of, or under the Georgia Mississippi Company, under the like terms and restrictions, a sum not exceeding in the whole one million five hundred and fifty thousand dollars.

"To the persons claiming in the name of, or under the Georgia Company, under the like terms and restrictions, a sum not exceeding in the whole two millions two hundred and fifty thousand dollars.

"To the persons claiming under citizens' rights, including such share or shares as have already accrued to the United States by operation of law, or by the provisions of this act, and to which the United States are to be considered entitled to the respective proportions for the same, a sum not exceeding in the whole two hundred and fifty thousand dollars."—Public Statutes at Large of the United States, 1789-1845, Peters' Vol. 3, Pages 117-118.

That the foregoing Act of Congress was fully carried into effect is shown by the report of Joseph Nourse,

Register of the Treasury, under date of November 18, 1818, which report is as follows:

"Statement of the claims awarded by the commissioners appointed by virtue of the act of Congress entitled 'An act supplementary to the act entitled An act for the indemnification of certain claimants of public lands in the Mississippi Territory,' passed the 3d of March, 1815."

Awards in Favor of.	Amount.
Individuals claiming under—	
The Upper Mississippi Company	$ 350,000.00
Tennessee Company	531,428.05
Georgia Mississippi Company	1,412,134.96
Georgia Company	1,887,040.95
Citizens' Rights	101,547.16
(Including $625, issued to the representatives of George Pearson, per Act of April, 1818.)	
Dollars	4,282,151.12

Names of Claimants.	Amount of Each Award
Ebenezer Jackson, as Trustee of—	
Mathias Maher	$ 187,142.67
James Strawbridge	45,714.25
Robert Stewart	37,142.82
William Coleman	4,285.71
William Coleman, by D. Boardman	1,428.57
Jonathan Ogden	2,857.14
Ebenezer Jackson, as Trustee of—	
Thomas Young	47,142.81

Names of Claimants.	Amount of Each Award
Levi Hollingsworth	$ 2,857.14
Simon Jackson	4,285.71
C. G. Champlin and C. Champlin	28,571.40
Tunno and Coffin	9,999.99
Jeremiah Mason	1,428.57
David Racon	2,857.14
William Payne	9,999.99
George Blake	2,857.14
Jona. Hastings	1,428.57
Robert Means	4,285.71
James Gardner	1,428.57
John Jackson	1,428.57
Samuel Dexter	25,714.26
Ebenezer Jackson, in His Own Right	14,285.70
Wm. Lovett and James G. Forbes	2,857.14
Charles Wayland	5,714.28
James Sterling	1,428.57
John Whipple	1,428.57
Thomas Cumming, for Heirs of Wm. Poe	7,142.85
Benj. Joy, for Heirs of Jona. Arnold	12,857.13
James Thwaite	1,428.57
Arthur Harper, by E. Jackson, Attorney	8,571.42
Charles Matthews, by W. W. Bibb, Att'y	1,428.57
Robert Flourney	2,857.14
Arthur Fort	2,857.14
Chas. C. Broadhead and Chas. L. Platt	1,428.57
Benjamin Joy and Samuel Dexter, Agents for and in Behalf of the Directors of the New England Mississippi Company	1,007,633.89
Adam Tunno and James Miller, by Benjamin Joy, Agent	312,200.00

Names of Claimants.	Amount of Each Award
Valentine Jones, by Rob. E. Griffith, Att'y	$ 17,500.00
Hugh Rose, by Benjamin Joy, Attorney	17,500.00
Sophia Harris, by John G. Chapple, Att'y	2,800.00
James Lloyd	9,150.47
Rufus G. Amory	21,345.77
Joseph and Henry Sewall, Executors of Samuel Sewall	13,771.45
John Coles	4,820.00
Rufus G. Amory	4,820.00
Joseph Sewall	6,885.73
Joseph Wilson	6,885.73
William Sullivan	3,442.86
John Tucker	13,771.45
Charles Cushing	6,885.73
Charles Cushing's Heirs	3,442.86
Wm. Stackpole	13,992.20
The President and Directors of the Union Bank of Boston	82,354.21
John C. Jones	27,451.40
Sarah Russell, Executrix of Joseph Russell's Estate	13,725.70
Rufus G. Amory, Administrator of Patrick Jeffrey	13,725.70
Andrew Craigie	54,902.81
Andrew Craigie	22,876.17
Joseph Otis	2,287.62
The Heirs of Margaret Newman	8,578.56
The Heirs of Margaret Newman	16,013.32
Henry Newman	3,145.47
Walter Sims	37,745.68
Walter Sims	57,190.43

Names of Claimants.	Amount of Each Award
Alexander Macomb	$ 13,992.13
Hezekiah B. Pierpont, Executrix of William Constable	13,992.13
Gulian Ludlow	4,140.57
Charles McEvers	2,516.36
George Barnwall	537.59
Samuel Ward	19,055.77
Samuel Ward	13,771.39
Stephen Alling	2,859.51
Samuel Huntingdon	5,719.02
John Adam	1,143.80
Elias Shipman	1,715.70
Daniel Coit	2,859.51
George Brinkerhoof, David J. Green, and David Stout, Jr., Assignees of Joseph Howland	2,859.51
John Coffin Jones, Jas. Lloyd, and Thomas Dickason, Trustees of the Boston Location	157,959.95
John T. Apthorp	14,640.75
James Perkins	7,320.37
Wm. Payne	7,320.00
Gardner Green	7,320.37
James and Thomas H. Perkins	11,438.08
John Derby	25,163.78
Wm. Sullivan	9,150.47
Wm. Payne	2,287.61
Wm. Scollay's Heirs	18,300.94
Benjamin Joy	54,902.81
James Sullivan's Heirs	9,150.47
Wm. Sullivan	2,287.61

Names of Claimants.	Amount of Each Award
James and Thomas H. Perkins	$ 13,992.21
S. & W. H. Vernon	1,734.01
Thomas and S. Douglass	1,868.22
The Heirs of Jonathan and W. Arnold	21,412.08
Hugh Rose	67,228.07
Thomas Tunno	17,586.28
Samuel Dexter	13,771.45
Samuel Dexter	22,876.17
Mary Gilman	18,300.94
Mary Gilman	44,837.29
Ruggles Whiting	13,725.70
Artemas Ward	6,885.73
Henry Sands	8,443.56
Robert Morris, Jr., and John Mowall, Jr., Assignees of C. Sands	16,887.10
Thomas Mullet	28,595.11
John Jackson	10,169.90
Robert Sands	5,085.00
Daniel Boardman	5,085.00
Jacob Sebor	10,169.90
Eli Williams	48,611.86
Daniel Boardman	44,162.64
Daniel Boardman, Assignee of Henry Hunt	5,569.56
Richard L. Hunt, Executor of Thomas Hunt	44,644.48
Peter Griffin	11,803.06
Wm. Paulding	3,176.25
Wm. Hobroyd and Benjamin Hoppin	2,833.56
Robert and Hamilton Stewart	1,875.00
John Michael	1,837.00
James Thweatt	4,343.93¾

Names of Claimants.	Amount of Each Award
Thomas Tunno	$ 1,379.31¼
Agness Smith and Hugh Smith	625.00
William Wallace	9,999.99
Frederick Farmer	8,571.42
Susan Hamell	1,428.56
Bedford Brown	2,857.14
Daniel W. Cox	1,428.57
Thomas Young, for Himself and Alexander Kettell	52,758.84
James Lyle	12,810.00
Valentine Jones	67,228.07
Wm. Wickoff, by Samuel F. Conover, Att'y	2,058.84
Elizabeth Sergeant, by Samuel F. Conover, Attorney	2,058.84
Philip P. P. Middleton, by Samuel F. Conover, Attorney	4,117.68
Robert Imley, by S. F. Conover, Attorney	2,058.84
Samuel F. Conover	2,058.84
James Johnston	1,428.57
Ezekiel Williams, Jr.	357.14
Thomas Mitchell	1,428.57
Jacob Douning	4,621.25
John Leamy and D. W. Coxe, Assignees of Nalbro Frazier	2,027.50
Elizabeth Clayton	625.00
John Whipple	3,641.87½
Wm. Wallace	3,339.81
Nathaniel Pendleton	5,719.02
Joseph Darling	714.87
Wm. and Sarah Leffingwell	357.43
John Russ	2,859.51

Names of Claimants.	Amount of Each Award
Abraham Bishop	$ 5,719.02
Elizabeth Wooster	2,144.62
Russle Goodrich, Executor of Catherine Miller	12,545.00
Joseph Beavan, Administrator of John C. Nightingale in Georgia	6,272.50
John Whipple, Administrator of John C. Nightingale in Connecticut	6,272.50
John Morgan	2,859.51
Russle Goodrich, Executor of Cath. Miller	31,839.84
Joseph Beavan, Administrator of John C. Nightingale in Georgia	15,919.92
John Whipple, Administrator of John C. Nightingale in Connecticut	15,919.92
Hamilton Stewart, by D. Boardman, Att'y	3,202.64
Comfort Sands, Administrator of Lewis Sands	5,719.00
Robert Flourney, by B. Hall, Attorney...	6,405.28
Eleazer Early, in His Own Right	16,505.00
Eleazer Early, Trustee of J. B. Barnes...	1,000.00
Eleazer Early, for Administrators of Thomas Glascock	11,500.00
Eleazer Early, Attorney of the Representatives of Amb. Gordon	10,000.00
Benjamin Sherrard	3,000.00
Judah Hays	6,885.72
Heirs of Moses M. Hays	3,442.86
John Mallowny	5,380.00
Ann Kittera	4,448.12
Elisha Gordon	2,058.84

Names of Claimants.	Amount of Each Award
Samuel Richards	$ 2,058.84
Thomas Cumming, Guardian of the Heirs of Wm. Poe	660.12½
Rebecca Leaming and others, Heirs and Devisees of Thomas Leaming	2,857.14
John Taylor	1,428.57
Wm. Payne	55,965.64
Silas Betton and Amos Kent, Executors of John Prentis	6,885.72
Ebenezer Jackson, Trustee for and in Behalf of the Persons Named as Cestuy Que Trusts, in the Report of June 28, 1815, Holding 296 Shares in the Tennessee Company	2,600.36
Ebenezer Jackson, in His Own Behalf	87.85
Arthur Harper	52.71
Wm. Lovett and James G. Forbes	17.57
Charles Wayland	35.15
James Sterling	8.78½
John Whipple	8.78½
Thomas Cumming, for Heirs of Wm. Poe	43.92½
Benj. Joy, for Heirs of J. Arnold	79.06
James Thwaite	8.78½
Charles Matthews	8.78½
Frederick Farmer	52.71
Bedford Brown	17.57
John Taylor	8.78½
Daniel W. Coxe	8.78½
Wm. Wallace	61.46½
James Johnston	8.78½
Ezekiel Williams, Jr.	2.19

Names of Claimants.	Amount of Each Award
Thomas Mitchell	$ 8.78½
Rebecca Leaming and Others, Heirs and Devisees of Thomas Leaming	17.57
Robert Flourney	17.57
Arthur Fort	17.57
Chas. C. Broadhead and Chas. L. Platt...	8.78½
Walter Sims	78,357.16
James Smedley, Administrator De Bonis Non of Oliver Philips	8,430.57
Alexander C. Glass and Wm. McIntire, Assignees of Thomas and H. Ely	910.57
Benj. Joy and Samuel Dexter, Agents of and in Behalf of the Directors of the New England Mississippi Land Company	12,000.00
Wm. A. Fenneille	2,857.14
Janet McLaws and Wm. Urquhart, Executors of Andrew Innis	15,931.81
Samuel Pitkin	1,071.43
Charles Matthews, Administrator of John Matthews	13,552.00
Stephen Lawrence, Administrator of Samuel Lawrence	4,312.00
Peter Early and Joel Early	18,516.96
Thos. Cumming, Guardian of Wm. Poe's Heirs	1,848.00
Charles L. Matthews	6,160.00
Samuel Bull	12,320.00
Joseph W. Alsop	924.00
Josiah Williams	616.00
Ebenezer Sage	1,848.00
Lemuel Storrs	1,232.00

Names of Claimants.	Amount of Each Award
Arthur W. Magill	$ 6,160.00
John J. Chappell	3,080.00
Jacob Sebor	4,928.00
Jacob Michael	6,160.00
The Heirs of Wm. Williamson	55,440.00
Eleazer Early, in His Own Right	3,829.16
Eleazer Early, Trustee of J. Barnes	232.00
Eleazer Early, Administrator of Th. Glascock	2,668.00
Eleazer Early, Attorney for Representatives of Ambrose Gordon	2,320.00
Benjamin Sherwood	696.00
Benj. Joy and Samuel Dexter, for and in Behalf of the Directors of the New England Mississippi Land Company	35,170.43
Eleazer Early	2,857.14
Walter Sims	3,338.06
Robert and Hamilton Stewart	18,480.00
Wm. Lovett and James G. Forbes	14,784.00
James J. Roosevelt	4,928.00
James Berrill	4,928.00
Isaac Marquanell	3,696.00
Samuel Whitemore	3,696.00
Hester Smith	3,080.00
Wm. Cairnes	616.00
Augur Tomlinson	616.00
Jonathan O. Walker	616.00
Benj. Joy and Samuel Dexter, for and in Behalf of the Directors of the New England Mississippi Land Company	22,757.41
Eleazer Early	17.57

Names of Claimants.	Amount of Each Award
Benjamin Joy	$ 57,190.00
Daniel Boardman	985.60
Arthur Harper	11,271.86
The Heirs of Wm. Colhoun	5,561.06½
Nathaniel Twining	2,827.81½
Henry Seymour and Thomas Seymour, Guardians of Heirs of J. Chenward, Jr..	2,859.51
Robert Randolph	1,428.57
The Heirs and Devisees of Wm. Williamson	6,160.00
John N. Cumming, Richard Stockton, and Azariah Hunt, Executors of John Rhea	2,058.84
James Goodwin, Administrator of Jane Goodwin, and Guardian of E. H. and J. H. Goodwin	3,080.00
Thomas Cumming	1,428.57
James J. Bull	2,833.55
Garrett Wikoff, Samuel Wikoff, and Joseph Holmes, Executors of Jos. Holmes, dec.	860.25
Wm. Whann	260.62½
Peter Early, Executor of Joel Early	14,925.25
Edward Jarvis, Administrator of Leon Jarvis	18,300.80
James J. Bull	25.96
Janet McLaws	2,456.88
Samuel Pitkin	428.92½
Ezekiel Williams	428.92½
Jonathan Smith, Guardian to the Heirs of Jared Barnes	1,745.12½
James Thweatt	3,490.25
Thomas Cumming	1,475.12½

Names of Claimants.	Amount of Each Award
Robert Randolph	$ 1,745.12½
Nicholas Long	3,490.25
Mary Gilman	436.28
Wm. Hunter	6,980.50
James Johnston	1,745.12½
John Mallowny	218.14
Ann Kittera	218.14
Henry C. Gaither, Henry C. Dorsey, Henry Gaither of Daniel, Frederick Gaither, Guardian of Henry Gaither of Frederick, and Benj. Gaither, Guardian of William Henry Gaither, Devisees of Colonel Gaither	1,745.12½
Jonathan Coit, Executor of J. Bulgin	2,617.68½
John Leamy and Daniel C. W. Coxe, Assignees of Nalbro Frazier	5,235.37½
Hugh Nesbit	1,745.12½
Robert Flourney	6,980.50
Bartholomew Hornsfield	1,745.12½
Samuel Dexter, Trustees of Eliz. Mor	747.90½
Samuel Dexter	2,742.34½
Elisha Tracy	308.00
Benjamin D. Sims	4,312.00
Michael Nourse	872.56
Edward Rowell	1,745.12½
Nich. Long, for His Fourth of $12,211.50, Decreed to the Grantees of Georgia Mississippi Company	3,052.87½
Thomas Cumming, for His Fourth of $12,211.50, Decreed to the Grantees of Georgia Mississippi Company	3,052.87½

Names of Claimants.	Amount of Each Award
Heirs and Representatives of Amb. Gordon, for His Fourth of $12,211.50, Decreed to the Grantees of Georgia Mississippi Company	$ 3,052.87½
Heirs and Representatives of Th. Glascock, for His Fourth of $12,211.50, Decreed to the Grantees of Georgia Mississippi Company	3,052.87½
Daniel Wadsworth	1,281.23
Thomas Cumming	8.78½
Robert Randolph	8.78½
Cochran McClure	17.57
Richard Napier	8.78½
Wm. A. Fenneille	17.57
Samuel Pitkin	6.59½
Cochran McClure	2,857.14
Richard Napier	1,428.57
Daniel Wadsworth, Surviving Partner of Sanford & Wadsworth	1,578.28
Russell Goodrich, Executor of Cath. Miller	211.68½
John Miller, Administrator of J. C. Nightingale	211.68½
Amasa Jackson	24,831.90
Jonathan Coit, Executor of James Bulgin	2,617.68½
Thomas Coit	5,719.02
The Representatives of George Pearson, Per Act of April, 1818	625.00
Dollars	4,282,151.12½

Amount of Certificates Issued $4,273,113.79½
Amount of Certificates to be Issued 9,037.33

Dollars.....4,282,151.12½

TREASURY DEPARTMENT, REGISTER'S OFFICE,
JOSEPH NOURSE, Register.
November 18, 1818.

—American State Papers, Vol. IX, Finance Vol. III, Pages 281-283.

Chapter IX.

THE UNSOLVED RIDDLE OF GEORGIA'S LAND HISTORY.

Professor William Graham Sumner, Professor of Political and Social Science in Yale University, in his book, "The Financier and the Finances of the American Revolution," on page 264, says:

"In February, 1795, Morris, Nicholson, and Greenleaf formed the North American Land Company. They deeded to this company land in Pennsylvania, Virginia, North Carolina, South Carolina, Georgia, and Kentucky. There were 6,000,000 acres in all,—of which 2,000,000 were in Georgia. There were 30,000 shares,—making a capital of $3,000,000; the land being put in at fifty cents an acre. The title was vested in trustees, who were to convey to purchasers. The trustees were Thomas Willing (later Jared Ingersoll), John Nixon, and John Barclay. Morris was named President of the Board of Managers."

On page 303 Sumner says that only two-thirds of the six million acres were transferred to the Trustees, the best lands, those in Pennsylvania, were kept out.

Robert Morris, the Financier of the Revolution, was a great land speculator. He speculated in Washington City lots and it is said that in 1793, he and James Greenleaf bought six thousand lots in the Federal City, averaging five thousand two hundred and sixty-five square feet each, at eighty dollars each, payable in seven annual installments, without interest. They agreed to build an-

nually t:enty brick houses, two stories high, and to do various other things. Greenleaf was a wealthy Philadelphia merchant. Nicholson was the Comptroller of the State of Pennsylvania.

In 1794, there was published in Paris a letter from the French Minister Fauchet, warning Frenchmen against the land speculators in America. It is altogether probable that the French Minister was prompted to do this by the large purchases which Morris and others were making in Georgia, for the purpose of offering wherever a market might be found outside of Georgia.

At the same time another letter was published in Paris, so Professor Sumner tell us, signed by Jonas Fouche, who, Morris said, kept a tippling-house in one of the western counties of Georgia. The general allegations were that the land titles were not good, and that the lands were not fit to support settlers. Fouche asserted that fraudulent land claims had been sold to Robert Morris. Morris and the North American Land Company denied these charges and wanted to sue Fouche. Minister Fauchet replied that Morris was mentioned in the letters only as one of the victims of cheating speculators.

Jonas Fouche was not the irresponsible character represented by Morris. In 1794 and 1795 he was a Captain commanding Georgia soldiers doing patrol duty along the western boundary of the State, then the Oconee River. The Executive Minutes show that on December 1, 1794, a warrant was drawn by the Governor in favor of Captain Fouche for $642.86. During the following year, on March 6th, a warrant for $500.00 was drawn in his favor; June 16th a warrant was drawn for $1,000.00; August 25th a warrant was drawn for $700.00; December 5th, 1795, a warrant was drawn in his favor for $500.00, all of these

"to obtain supplies for his troops." He was promoted to Lieutenant-Colonel, and on February 20, 1796, he was appointed Adjutant-General of Georgia and served in that capacity until November 2, 1806.

In an old account book, evidently kept by State Treasurer John Gibson, now in the Department of Archives, marked "Treasury Accounts, 1794," we find some very interesting facts in regard to Robert Morris' interests in Georgia. We find in that treasury account, which seems to have been a sort of daybook in which the State Treasurer entered his receipts and disbursements, this entry:

"Treasury - Office, Augusta, August 30th, 1794.
Sundry Dr. to General Tax for 1793.

Recd. of Pat'k Crookshank, esq., agent for Messrs Morris & Fitzsimons of Philadelphia, being the am't of the Tax for the year 1793 on 210,000 acres pine land on the waters of Ohooppee & Canouchee in Washington County, granted to Joseph Ryah, & return filed in this office, & not included in the General Return, of my Cert'e No. 68.

Governor Warrants of 1793. For Governor Telfair of the 4th Feb'y, 1793, in favor His Excellency, Governor Telfair, No. 29 for £10 10s & No. 35 for £12 0 0 .....£22 10s

Specie (Say gold & Silver) £20 7s 6d

£42 17s 6d."

We find, under date of September 11th, the following:

"September, 1794

———11th———

Gold & Silver Dr. to General Tax for 1793.

Received (in Bank bills) of George Naylor Esq. as Agent for Messrs. Morris & Nicholson of Philadelphia for the Taxes on Sundry Lands in the County of Washington, & Return filed in this office, and my Certificate No. 71 .....£138 14s 7½d."

Under date of September 24, 1794, we find the following entry:

"Treasury - Office, Augusta, Septm'r 24th, 1794

Sundry Dr. to General Tax for 1794.

Received of Patrick Crookshanks Esq'r as agent for Messrs. Robert Morris & Thomas Fitzsimons of Philadelphia for the Tax of the Year 1794 on sundry lands in Washington County, viz:

211,000 acres Granted to Joseph Ryan.
143,000 acres Granted to Pat'k Crookshanks.
112,700 acres Granted to Francis Tennill.
24,500 acres Granted to James Thomas.

Making 490,200 acres Pine Land, as of Return filed in this office, & my Certificate No. 73.

Under date of September 29, we find the following entry:

"Treasury - Office, Augusta, Septm'r, 1794.

29th—Received the 29th of Samuel Jack Esq'r for the Taxes for 1793 on 75,000 acres pine land in said county the property of Messrs. Morris & Nicholson

of Philadelphia—viz: 50,000 Granted to Solomon Beckcom & 25,000 Granted to Rob't Middleton as of Return filed in this office & my Certificate No. 75 .....£15 6s 3d."

On July 28, 1801, a Commission in Bankruptcy was issued against Morris in the eastern district of Pennsylvania, under the Act of Congress of April, 1800. Debts were proved to the amount of three million dollars. The Commissioners in Bankruptcy assigned the assets to the assignees of the creditors.

Writing in 1800, Morris said of his affairs:

"I shall begin with the lands purchased in the Genesee country, acknowledging that if I had contented myself with those purchases, and employed my time and attention in disposing of the land to the best advantage, I have every reason to believe that at this day I should have been the wealthiest citizen of the United States. That things have gone otherwise I lament, more on account of others than on my own account."

Morris was a speculator on a large scale in lands in Massachusetts, Pennsylvania and New York. He sought buyers for these lands in England and in France, and to some extent, was successful in disposing of large bodies abroad.

In a pamphlet gotten out in 1795 for the purpose of advertising the lands of the North American Land Company Morris said:

"In order to give one instance out of many of the advantages to be derived to the holders of shares in this

land, it is not improper to state that one of the parties of the first part to this plan (himself) did actually sell in the year 1791, to certain capitalists in Europe, one million of acres of uncultivated American land for £75,000 sterling, or $333,333-1/3."

This had reference to the sale of one million acres to Sir William Pultney. John Nicholson, one of Morris' associates in the North American Land Company, was the Comptroller of Pennsylvania from 1782 to 1794, and was said at one time to have owned three million seven hundred thousand acres in Pennsylvania.

Sumner says, page 269:

"It should be understood that in the last decade of the last century there was a very great disposition on the part of men of enterprise and capital to speculate in land. Morris was only one of the most prominent and eager in the enterprise, one of those who had the largest means and went into it on the largest scale. The enterprise, however, had never any solid business foundation, or any prospect or possibility of success. It was not an investment in a productive enterprise, but an attempt to exploit the monopoly of land under conditions where that monopoly had no value, because the amount of land in proportion to the number of settlers was in unlimited excess."

It has already been pointed out that taxes for the year 1793 were paid by Morris and Fitzsimons of Philadelphia, through their Agent, Patrick Crooks, on two hundred and ten thousand acres of pine land on the waters of the Oheepee and Canouchee in Washington County, granted to Joseph Ryan. The records in the State De-

partment show that the Land Court of Washington County, on August 6th, 1792, issued two hundred and ten warrants directed to the County Surveyor, Francis Tennill, directing him to admeasure for Joseph Ryan two hundred and ten tracts of land of one thousand acres each, in Washington County, on any unsurveyed land in that county.

The records further show that Joseph Ryan, as Deputy Surveyor, made the following surveys of two hundred and ten thousand acres, being two hundred and ten grants of one thousand acres each, and made those surveys within ten days, as follows:

August 7th	12,000	acres
August 8th	22,000	acres
August 9th	17,000	acres
August 10th	13,000	acres
August 11th	20,000	acres
August 12th	24,000	acres
August 13th	16,000	acres
August 14th	14,000	acres
August 15th	26,000	acres
August 16th	32,000	acres
August 17th	14,000	acres
	210,000	acres

The law, at that time in force, was the Act of 1785, which required every applicant for a land grant, under the head-right law, to take an oath as follows (applying this to Joseph Ryan):

"I, Joseph Ryan, do solemnly swear (or affirm as the case may be) that the head rights delivered in by me are just and true, and that I have not, nor hath any

person for me, or in my name, taken up or located the head right, or head rights of my family, now applied for, either in this, or any other County within this State; nor have I, or any other person for me, disposed of, or sold the same, so as the head rights of my family may be illegally obtained."

The Act of 1785 still further provided:

"Sec. III. Any time hereafter, if any person or persons, convicted of having acted contrary to the above oath, after having taken the same, exclusive of the pains and penalties annexed to perjury, shall forfeit the land so fraudulently obtained, and the same shall be from thence considered as revested in the State; and that no person or persons applying shall obtain any warrant, survey, or grant, unless for himself or themselves, or for his, her, or their own family, or families; and that any person or persons, who shall obtain lands under and by virtue of this Act, shall, in eighteen months thereafter, settle on and cultivate three acres for every hundred acres of the same; and in case of non-compliance, he, she, or they shall be subject to treble tax for said lands."—Cobb's Digest, Page 671.

The unsolved riddle of Georgia's land history is found in the fact that four Governors, namely, Governors George Walton, Edward Telfair, George Matthews and Jared Irwin granted lands in very large quantities to single persons without the slightest authority, under the law, and contrary to all laws on the subject of headright grants.

George Matthews was a distinguished Brigadier General

in the Revolutionary War, served in Virginia, was honored by Virginia by having a county named in his honor, moved to Georgia, and was Governor from January 9th, 1787, to January, 1788. George Handly was Governor from January 26, 1788, to 1789, when, on January 7th, 1790, he was succeeded by George Walton, who served until November, 1790. Edward Telfair succeeded George Walton November 7th, 1790, and served until November 9th, 1793, when he was succeeded by George Matthews, who served until January, 1796.

The Secretary of State's office contains the original of an Order In Council, which is as follows:

"IN COUNCIL, 4th June, 1788.

"A letter dated the 20th May, from Thomas McCall, esq., Surveyor General was read, wherein is represented many abuses practiced at the different Land Courts within this State, whereby the Law for opening the land Office and subsequent laws of the same tendency are materially perverted and the interest of the State much injured, after mature consideration and for remedy thereof, It is

"ORDERED, That the Surveyor General do not pass through his Office any Warrant or Warrants for Land exceeding in Quantity One thousand Acres to any one person, and to stop all abuses against the Laws respecting the same that may come within his knowledge.

"ORDERED, That the Surveyor General write a Circular letter to the Justices holding Land Courts in the respective Counties, inclosing a Copy of the above Order, and requiring of them to take bond with security for the faithful performance of the dutys required from the Surveyors in the said respective Counties, and transmit the

same without delay to the Executive agreeably to Law.

"Extract from the Minutes,

"J. Meriwether, Sy. E. C."

On the back of this Order there is the following notation:

"ORDER IN COUNCIL, June 4th, 1788.
"Letters sent June 4th, 1788.
"Ordered
not to pass grants for over 1,000
acres. Order dated June 4, 1788."

This order reveals the fact that it became known to the Governor and his Council in 1788, Governor Handly, that fraudulent surveys were being made and the Surveyor-General, by this order, was commanded to put a stop to this abuse of issuing warrants for one person for more than one thousand acres. There are no Executive Minutes to be found in the archives of the State earlier than January, 1793. This Order In Council, just quoted, exists in the Secretary of State's office in the original, and is recorded in papers of file in the Department of Archives.

The Order In Council was adopted and promulgated under the administration of George Handly, June 6, 1788, and yet on June 20, 1789, we find George Walton signing fifty grants of one thousand acres each to one person.

The Legislature of 1788 made no changes in the Land Laws. In 1789, however, on December 23d, the Legislature passed the following Act:

"SEC. I. That the Governor be, and he is hereby empowered to direct the form and manner of passing grants

for land through the Secretary of State's office, any law, custom or usage, to the contrary, notwithstanding.

"SEC. II. That the Governor be, and he is hereby vested with all the powers of Governor and Executive Council, under the late Constitution, so far as the said powers extend to the hearing or determining on caveats and signing of grants.

"SEC. III. Any three or more Justices of the Peace in their respective Counties shall use and exercise the powers given to four Justices, and an assistant Justice, by an Act, entitled 'an Act to repeal and amend some part of an Act, entitled an Act for opening the Land Office; passed the first day of August, 1783.' Provided, that the said three or more Justices shall each of them sign all warrants for land by them granted.

"SEC. IV. No plat of any survey shall hereafter be allowed to pass the office of the Surveyor General, or any County Surveyor, which does not clearly set forth the beginning corner of such survey, and no County Surveyor shall be allowed to proceed in the duties of his office without first giving bond, and approved security, in the sum of two thousand pounds, payable to the Governor for the time being, and his successors in office, for the faithful discharge of the duties required of such County Surveyor."—Cobb's Digest, Pages 673-674.

This Act of 1789 made several important changes in the Land Laws, but it did not authorize the granting of more land, under the head-right system, to any one person than one thousand acres. It is impossible to so construe the law. The fact is, however, that this practice on the part of the Governor to issue practically unlimited quanti-

ties to one person began with Governor George Walton, June 20, 1789, six months before this law was enacted.

That the grants made in large bodies are valueless is evidenced by the fact that in 1900, Dr. B. M. Hall, Civil Engineer of Atlanta, was employed by persons claiming to own twenty thousand acres in Montgomery County to examine the record and locate and survey the same. Dr. Hall made a report March 19, 1900, to his client in which he said:

"I respectively submit this report as referred to in that to you by Mr. Chas. Barry of the 10th inst. With the aid of Capt. B. F. Johnson who, for eleven years has been connected with the Land Department of the Secretary of State's Office, at the Georgia State Capitol, I have made a careful investigation in said office concerning the Randall-Griffin Grants, and will say:

"1st. Randall Griffin's first survey of 49,000 acres, of which your land evidently forms a part, was made August 20, 1794, and is on the Ohoopee watershed then in Montgomery and Tattnall County, Ga. Montgomery County was originally a very large County and has since been divided up into smaller Counties. The Ohoopee watershed (which is only a small part of the territory originally embraced in Montgomery County) covers a considerable part of the present counties of Montgomery, Tattnall, Emanuel and Johnson.

"2nd. The total amount of land granted to Randall G. in Montgomery County was 200,000 acres, 97,000 of which was on the waters of the Ohoopee and 103,000 on the waters of the Cannoochee. There were 200 separate grants of 1,000 acres each and 200 separate plats corresponding with said grants, all of which are plainly

marked in due form. The surveys are of the various dates, that of the 49,000 acres in which you are interested being on August 20, 1794, and the grants for same are dated Dec. 13, 1794. A plat of said survey is hereto attached. Tracts 11 to 30 inclusive show the 20,000 acres in which you are interested, the same corresponding with the descriptions given me by Mr. Barry of his lands.

"3rd. The surveys were made in accordance with warrants issued by the duly authorized Court of Justices of said County, signed by the three Justices and certified to by the Clerk of same.

"4th. For each of the 200 grants so given to Randall Griffin there is a corresponding plat on record. Said warrants call for lands subject to survey and not otherwise disposed of. The same are in the Secretary of State's Office and I have examined them."

After making the foregoing report to his client, Dr. Hall visited Montgomery, Tattnall, Johnson and Emanuel Counties, which were largely created out of originally Montgomery County and Washington County, in order to locate and inspect the twenty thousand acres of land to which his client had perfect paper title. After spending some days in that section in an effort to find the land Dr. Hall reported:

"Not knowing the location of the land so that I could visit and inspect it (the plat that I made here not having the NAMES of the streams running through it) I made diligent inquiry of disinterested parties concerning the general character of the entire country drained by the tributaries of the Ohoopee River. They told me that the entire region had been originally covered with a mag-

nificent growth of long leaf pine of the best quality and was in this condition until recent years. These people seem to feel that their greatest security lies in what they now consider the absolute impossibility of locating and positively identifying the lands conveyed by the grants of 1794-95. They even say that these plats are all imaginary and do not represent anything.

"After a careful consideration, I am deliberately of the opinion that the Randall Griffin grant in question represents an actual survey and that I could locate the same if I had the names of the streams that run through it or half of them. I believe that I could locate it if I had the name of only two or three larger streams."

Finding it impossible to locate these lands, and so reporting to his client, this particular matter was dropped, as nothing further could be done in the premises. This case is entirely similar to dozens, possibly hundreds, of cases that have come to the surface within the last hundred years.

Chapter X

REVOLUTIONARY GRANTS.

At the time of the Revolution the population of Georgia was about seventeen thousand. It was the youngest and smallest in population of the thirteen colonies, and was among the last to become the theatre of active warfare. There were many Loyalists and many Tories, and the Acts of Confiscation and Amercement of that period were indicative of which controlled the Legislature. Men distinguished in later years in the service of the State, were denounced sometimes as Rebels by a Tory Legislature, and, in the next year or two, as Tories, by a Loyalist Legislature.

No effort was made by the State to provide soldiers of the Revolution with land until 1781. The laws of 1781, 1783, 1784 and 1785, so far as they relate to bounties for soldiers, officers and marines in the Revolutionary War are herewith presented.

Five different classes of persons were granted lands in Georgia on account of Revolutionary military service. The first class included those who remained in Georgia during the struggle and served when called for in the army. Of this class there were two thousand nine hundred and twenty-three beneficiaries. The second class included those who fled the State of Georgia, but fought in the American army, and of this class six hundred and ninety-four were granted lands. The next class included those who were not in active service, but were enrolled as Minute Men, and of these five hundred and fifty-five received land grants, while the fourth was composed of

those who came to the help of Georgia as Continental soldiers, and of these there were two hundred, and, lastly, the fifth class of nine persons who served in the navy, and who received land grants. The original grant was two hundred and fifty acres of land, with tax exemption for ten years, under the Act of 1781 and by the Act of 1784, this was increased to two hundred eighty-seven and one-half acres, with no tax exemption.

The several Acts relating to this subject were as follows:

"AN ACT to amend the several acts for the better regulation of the militia of this State.

"VIII. And whereas numbers of persons are daily absenting themselves and leaving their fellow citizens to encounter the difficulties of the present crisis, Be it enacted by the authority aforesaid, That any person or persons who shall produce a certificate from the commanding officer of the district to which he belongs, to the legislature of this State (on the total expulsion of the enemy from it) of his having steadfastly done his duty from the time of passing of this act, shall be entitled to two hundred and fifty acres of good land (which shall be exempt from taxes for the space of ten years thereafter;) Provided such person or persons cannot be convicted of plundering or distressing the country.

"JOHN JONES, Speaker.

"Savannah, August 20, 1781."

—Watkins' Digest, Page 238.

"II. And whereas this State hath made engagements to the soldiery and other troops which in justice they ought to fulfill, Be it therefore enacted, That in case any

officer or soldier or other person claiming under such engagements as aforesaid, shall produce a certificate from his honor the governor for the time being, that a tract or tracts of land is or are due to him, that then such officer, soldier or other person shall be entitled to a warrant and grant for any unlocated lands (agreeable to the quantity contained in his certificate) within this State.

N. W. JONES, Speaker.

"Savannah, February, 1783."

—Watkins' Digest, Page 259.

"XI. And be it further enacted by the authority aforesaid, That all the lands between the north and south fork of the Oconee up to the present temporary line be reserved the term of twelve months for the officers, seamen and soldiers who are entitled to land in this State by any resolve of congress or act or reserve of this State; refugees, and other militia excepted: And that the same lands according to the proportion allowed to such officers, seamen, or soldiers and entitled to the same, be fully, freely, and absolutely granted to them and every of them, their heirs and assigns for ever, on application for that purpose without any restriction or incumbrance (office fees excepted) or necessary qualification in regard to cultivation, any thing herein contained to the contrary notwithstanding: Provided such officers, soldiers, or seamen shall not by virtue of this bounty take the land in any other part of the aforesaid counties.

JAMES HABERSHAM, Speaker.

"Savannah, February 25, 1784."

—Watkins' Digest, Page 293.

"XV. And be it further enacted by the authority

aforesaid, That all the officers and soldiers, all the officers and mariners of the navy, officers of the medical department, refugees, and citizens, who are entitled to land in this State, as bounties for their services, in manner as above mentioned shall be entitled to have included in their grants an additional quantity of fifteen acres to each hundred, in full, for and in lieu of any exemption from taxes; and every act, and clause of an act, allowing such exemption from taxation, shall be, and the same is hereby repealed, and declared null and void, any thing to the contrary hereof notwithstanding.

"JAMES HABERSHAM, Speaker.

"Savannah, February 25, 1784."

—Watkins' Digest, Page 294.

"IX. And whereas, it is apprehended that great abuses have happened in regard to bounties, Be it therefore enacted by the authority aforesaid, That in future, all and every person and persons whatsoever, who conceives himself or themselves entitled to bounty shall lay his or their vouchers or credentials before the said land court, where they apply for the same, who shall, on a full consideration of all circumstances respecting the petitioner, either grant or reject the application, as coming or not coming within the scope and intention of the several laws of this State for granting bounties; and no surveys of land due as bounties from this State shall be allowed, unless brought in and claimed within one year from and after the passing this act.

"X. The two forks of Oconee, the one made by Little river, and the other by the branch next above the same on the south side of the said river Oconee, shall be deemed a reserve to make good the engagements to the con-

tinental soldiery, and seamen and officers of the medical department of this State; and no surveys or grants (except such as have been already made to the said soldiery, seamen, and officers of the medical department) within the said forks, shall be held and considered as good and valid, unless the same shall appear to be agreeable to the terms of this act; and after the said line shall be run as aforesaid, there shall be one year allowed to the said soldiery and seamen, and officers of the medical department, to make their surveys, and take out grants for their respective bounties to which they are entitled within the said reserve.

"JOSEPH HABERSHAM, Speaker.

"Savannah, February 22, 1785."

—Watkins' Digest, Page 311.

Chapter XI

THE YAZOO ACT.

An Act supplementary to an Act, entitled "An Act for appropriating a part of the unlocated territory of this State for the payment of the late State troops, and for other purposes therein mentioned," declaring the right of this State to the unappropriated territory thereof, for the protection and support of the frontiers of this State, and for other purposes.

WHEREAS, In and by the articles of confederation, entered into and finally ratified on the first day of March, one thousand seven hundred and eighty-one, by the then thirteen United States of America, the territory within the limits of each of the said States is to each of them respectively confirmed and guaranteed, first by the second article, to wit: "Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by the confederation expressly delegated to the United States in Congress assembled;" and secondly, by the last clause in the second section of the ninth article: "No State shall be deprived of territory for the benefit of the United States."

AND WHEREAS, In and by the definitive treaty of peace, signed at Paris, on the third day of September, one thousand seven hundred and eighty-three, the boundaries of the United States are established, and those boundaries which limit the westwardly and south westwardly parts of this State are therein thus defined: "Along the middle of the River Mississippi, until it shall intersect the northernmost part of the thirty-first degree

of north latitude, south by a line drawn due east from the termination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the River Apalachacola or Catahouchee; thence along the middle thereof to its junction with the Flint River; thence straight to the head of Saint Mary's River; and thence down along the middle of Saint Mary's River to the Atlantic Ocean." Which boundaries coincide with the southwardly and westwardly boundaries, recited in the Land Act now in force, passed at Savannah on the seventeenth day of September, one thousand seven hundred and eighty-three; and by the convention held at Beaufort, on the twenty-eighth day of April, one thousand seven hundred and eighty-seven, between this State and the State of South Carolina; the northern boundary of the State is established, "From the mouth of the River Savannah, up the said river to the confluence of Tugola and Keowee; thence up the Tugola, and from the source thereof a due west line to the Mississippi, including islands." And whereas, in and by the first clause of the sixth article of the Federal Constitution of the United States of America, all engagements entered into before the adoption of the said Constitution, shall be as valid against the United States, under the said Constitution as under the Confederation, by the third clause of the ninth section of the first article of the said Constitution, "No expost facto law shall be passed," and by the second clause of the third section of the fourth article, "the Congress shall have power to dispose of and make all necessary rules and regulations respecting the territory or other property belonging to the United States, and nothing in this Constitution shall be so constructed as to prejudice any claims of the United States, or of any particular State:"

AND WHEREAS, The cession made by the State of North Carolina to the United States, by them accepted on the second day of April, one thousand seven hundred and ninety, is a full acknowledgment and recognizal on their part that the several States not only have the right of pre-emption, but are in the full exercise of all territorial right within their respective limits. And whereas, notwithstanding the United States did, on the twenty-second day of July, one thousand seven hundred and ninety, by an Act to regulate trade and intercourse with the Indian tribes, enact and declare, "That no sale of lands made by Indians, or any tribe or nation of Indians within the United States, shall be valid to any person or persons, or to any State, whether having the right of pre-emption to such lands or not, unless the same shall be made and duly executed at some public treaty, held under the authority of the United States," and did on the seventh day of August, one thousand seven hundred and ninety, by a treaty held at New York, with certain Creek Indians, stipulate by the fourth article of the said treaty, that the boundary between the citizens of the United States and the Creek nation, is and shall be "From where the old line strikes the Savannah, thence up the said river to a place on the most northern branch of the same, commonly called the Keowee, where a northeast line, to be drawn from the top of the Ocunna Mountain, shall intersect; thence along the said line in a southwest direction to the Tugola River; thence to the top of the Currahee Mountain; thence to the head or source of the main south branch of Oconee River, called the Appalachee River; thence down the middle of the main south branch and River Oconee to its confluence with the Oakmulgee, which from the River Alatamaha; and thence down the middle

of the said Alatamaha to the old line on the said river; and thence along the said line to the River St. Mary's;" and by the fifth article, "That the United States, solemnly guarantee to the Creek nation, all their lands within the limits of the United States to the westward and southward of the boundary described in the preceding article:"

AND FINALLY WHEREAS, The State of Georgia aforesaid, hath by no Act, or in any manner whatever, transferred, alienated or conveyed her right of soil or pre-emption in any part of the vacant territory within the limits of the said State, to the United States, the cession dated the first day of February, one thousand seven hundred and eighty-eight, offered by the State of Georgia to the United States, having been by the said United States in Congress assembled, on the fifteenth day of July, one thousand seven hundred and eighty-eight, rejected, in which rejection territorial rights are declared to rest on the spirit and meaning of the confederation: And whereas, the said proposed cession became void, and on the part of this State, is hereby declared to be null and void to all intents, purposes and constructions.

I. Be it therefore enacted by the Senate and Representatives of the Freemen of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That the State of Georgia aforesaid, is in full possession and in the full exercise of the jurisdiction and territorial right and the fee simple thereof; and that the right of pre-emption to vacant and unappropriated lands lying westwardly and southwestwardly of the present Indian temporary line, and within the limits of the said State, and the fee simple thereof, together with the right of disposing thereof, is, and are hereby declared to be in the State of Georgia only.

II. And for the purpose of raising a fund for carrying this Act fully into effect, Be it enacted, That all that tract or parcel of land including islands, situate, lying and being within the following boundaries, that is to say: Beginning on the Mobile Bay, where the latitude thirty-one degrees north of the equator intersects the same, running thence up the said bay to the mouth of Lake Tensaw; thence up the said Lake Tensaw to the Alabama River, including Currey's and all other islands therein; thence up the said River Alabama to the junction of the Coosa and Oaksuskee Rivers; thence up the Coosa River, above the Big Shoals, to where it intersects the latitude of thirty-four degrees north of the equator; thence a due west course to the Mississippi River; thence down the middle of the said river to the latitude of thirty-two degrees, forty minutes; thence a due east course to the Don or Tombigby River; thence down the middle of the said river to its junction with the Alabama River; thence down the middle of the said river to the Mobile Bay; thence down the said Mobile Bay to the place of beginning, shall be sold unto James Gunn, Matthew M'Allister, and George Walker, and their associates, called the Georgia Company, and their heirs and assigns forever, in fee simple, as tenants in common, and not as joint tenants, for the sum of two hundred and fifty thousand dollars, to be paid in specie, bank bills of United States, and warrants for the years one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, one thousand seven hundred and ninety-three, one thousand seven hundred and ninety-four, and one thousand seven hundred and ninety-five, drawn by the Governor, the President of the Senate, and Speaker of the House of Representatives, in the following manner, that is to

say: Fifty thousand dollars to be deposited in the Treasury previous to the passing of this Act, and the remaining two hundred thousand dollars to be paid on or before the first day of November next.

III. And be it further enacted, That whenever the said James Gunn, Matthew M'Allister, and George Walker, and their associates, or their agent or agents, shall produce to His Excellency the Governor, a receipt signed by the Treasurer, that they have deposited the aforesaid sum of fifty thousand dollars, according to the tenor and effect of this Act, it shall then be the duty of His Excellency the Governor, and he is hereby required to issue and sign to the said James Gunn, Matthew M'-Allister, and George Walker, and their associates, their heirs and assigns, in fee simple, as tenants in common, and not as joint tenants, a grant for the aforesaid tract of country, they securing the last payment of two hundred thousand dollars to the State, by a mortgage to His Excellency the Governor and his successors in office, on the whole of the land so granted, which mortgage shall be immediately foreclosed, in case default shall be made in the payment of the said sum of two hundred thousand dollars, on or before the first day of November next, as aforesaid, in the Superior Court of any county within the State of Georgia, at the discretion of His Excellency the Governor, any law or usage, regulating the mode of foreclosing mortgages, to the contrary notwithstanding, and the whole sum of fifty thousand dollars deposited, shall become forfeited to and for the use of the State; and the grant to be given to the said James Gunn, Matthew M'Allister, and George Walker, and their associates, to be, and the same in that case is hereby declared to be null and void.

IV. And be it further enacted, That the said Georgia Company shall reserve for and to the use of the citizens of Georgia, exclusively, the quantity of one million of acres of their purchase, in the following manner, to wit: At the expiration of three months from and after the passing of this Act, a subscription book shall be opened at the Treasury office of this State, and be kept open for the term of four months thereafter, for the purpose of receiving subscriptions of the citizens for the said reserve lands: Provided, That no person who shall otherwise become a member or interested in either of the companies herein contemplated, shall be allowed to subscribe for any part of the said reserve land, and no person shall be permitted to subscribe for more than five thousand acres in his own name or in the name of any other citizen, unless duly authorized and appointed by him for that purpose under a warrant of attorney executed in the presence of two or more witnesses, one of whom at least shall be a justice appointed for holding the Inferior Court of the county where the subscriber resides, which said power of attorney shall be lodged with the Treasurer, as his voucher for entering such subscription; And provided, also, That the citizens of the respective counties shall not, at any time within three months from and after the opening of the book of subscriptions as aforesaid, be allowed to subscribe for more or a greater quantity of the said reserved lands, than the proportion herein after particularly described and limited, to wit: Chatham, one hundred and seventy thousand acres; Effingham, sixty-two thousand acres; Burke, one hundred and fifty-five thousand acres; Richmond, one hundred and fifty-five thousand acres; Columbia, one hundred and fifty-five thousand acres; Wilkes, two hundred and seventy-two thousand

acres; Washington, one hundred and thirty-one thousand acres; Elbert, one hundred and thirty-one thousand acres; Greene, one hundred and twenty-five thousand acres; Franklin, seventy-eight thousand acres; Liberty, sixty-nine thousand acres; Glynn, thirty-two thousand acres; Camden, thirty-two thousand acres; M'Intosh, thirty-five thousand acres; Bryan, thirty-two thousand acres; Warren, ninety-three thousand acres; Oglethorpe, one hundred and sixteen thousand acres; Montgomery, twenty-three thousand acres; Screven, thirty-eight thousand acres; and Hancock, ninety-six thousand acres. And it shall be the duty of the Treasurer, in all cases of applications to subscribe, to require an affidavit in writing, in the following words: "I do solemnly swear or affirm, that I am in no way interested directly or indirectly, either as a member or otherwise, in any company's purchase of lands in the western part of this State, and that the subscription which I propose to enter, is in my own proper right, and to my use and benefit only." And it shall be the duty of the Justice or Justices of the Inferior Courts before whom warrants of attorney authorizing subscriptions shall be executed, to require a like affidavit on the back of such warrant of attorney, before attesting the same; and the land so subscribed and paid for shall be held by such subscribers in fee simple, as tenants in common, and not as joint tenants, on the same terms, and upon the same principles, with the original purchasers of the company in which they shall subscribe, and shall be entitled to fair and equal representation in such company, in proportion to the quantity of land so by them subscribed and paid for.

V. And be it further enacted, That upon entering any subscription as aforesaid, it shall be the duty of the

Treasurer, and he is hereby required to receive of the subscribers the purchase money, being the proportion of one-fifth part of such subscription, in terms of this Act, the remaining four-fifths or balance of the purchase money shall within four months from and after the opening the said book of subscriptions, be paid unto the Treasurer in like manner as aforesaid, and in case such balance shall not be paid on or before the expiration of the said seven months from the passing of this Act, that then and in that case, the subscriber or subscribers so failing, shall be at liberty to withdraw their said subscriptions, together with the money so paid by them, and the lands so subscribed for by them shall revert to and be vested in the company in which such subscription shall have been made or entered.

VI. And be it further enacted, That all that tract of country, including islands, situate, lying and being, within the following boundaries, that is to say: Beginning on the River Mississippi, at the place where the latitude of thirty-one degrees and eighteen minutes north of the equator, intersects the same; thence a due east course to the middle of Don or Tombigby River; thence up the middle of the said river to where it intersects the latitude of thirty-two degrees and forty minutes north of the equator; thence a due west course along the Georgia Company line, to the River Mississippi; thence down the middle of the same to the place of beginning, shall be sold to Nicholas Long, Thomas Glascock, Ambrose Gordon and Thomas Cumming, and their associates, called the Georgia Mississippi Company, to them and their heirs and assigns forever in fee simple, as tenants in common, and not as joint tenants, for the sum of one hundred and fifty-five thousand dollars, to be paid in gold or silver

coin, bank bills of the United States, and such warrants as are made payable in the Georgia Company's purchase, in the following manner, that is to say: Thirty-one thousand dollars to be deposited previous to the passing of this Act, and the remaining one hundred and twenty-four thousand dollars to be paid on or before the first day of November next.

VII. And be it further enacted, That whenever the said Nicholas Long, Thomas Glascock, Ambrose Gordon and Thomas Cumming, and their associates, or their agent or agents shall produce to His Excellency the Governor, a receipt signed by the Treasurer, that they have deposited the aforesaid sum of thirty-one thousand dollars according to the tenor and effect of this Act, it shall then be the duty of His Excellency the Governor, and he is hereby required to issue and sign to the said Nicholas Long, Thomas Glascock, Ambrose Gordon and Thomas Cumming, and their associates, their heirs and assigns, in fee simple, as tenants in common, and not as joint tenants, a grant for the aforesaid tract of country, they securing the last payment of one hundred and twenty-four thousand dollars to the State, by a mortgage to His Excellency the Governor and his successors in office, on the whole of the land so granted, which mortgage shall be immediately foreclosed, in case default shall be made in the payment of the said sum of one hundred and twenty-four thousand dollars, on or before the first day of November next, as aforesaid, in the Superior Court of any county within the State of Georgia, at the discretion of His Excellency the Governor, any law or usage, regulating the mode of foreclosing mortgages to the contrary notwithstanding, and the whole sum of thirty-one thousand dollars deposited, shall become forfeited to and for

the use of the State; and the grant to be given to the said Nicholas Long, Thomas Glascock, Ambrose Gordon and Thomas Cumming, and their associates, as aforesaid, to be, and the same in that case is hereby declared to be null and void.

VIII. And be it further enacted, That the said Georgia Mississippi Company shall reserve for the use of the citizens of Georgia, exclusively, the quantity of six hundred and twenty thousand acres of their purchase, to be subscribed for, held and appropriated on the same terms, and to be represented in like manner as the land reserved by the Georgia Company as aforesaid.

IX. And be it further enacted, That all that tract of country, including islands, situate, lying and being within the following boundaries, that is to say: Beginning at the Mississippi River, where the northern boundary line of this State strikes the same; thence along the said northern boundary line, due east to the Tennessee River; thence along the said Tennessee River, to the mouth of Bear Creek; thence up Bear Creek, to where the parallel of latitude twenty-five British statute miles, south of the northern boundary line of this State intersects the same; thence along the said last mentioned parallel of latitude, across Tombigby or Twenty Mile Creek, due west to the Mississippi River; thence up the middle of the said river to the beginning; shall be sold to John B. Scott, John C. Nightingale, and Wade Hampton, called the Upper Mississippi Company, and to their heirs and assigns forever, in fee simple, as tenants in common, and not as joint tenants, for the sum of thirty-five thousand dollars, to be paid in specie, bank bills of the United States, and such warrants as are made payable in the Georgia Company's

purchase, in manner following, that is to say: Five thousand dollars, part thereof to be deposited previous to the passing of this Act, and the remaining sum of thirty thousand dollars, to be paid on or before the first day of November next.

X. And be it further enacted, That whenever the said John B. Scott, John C. Nightingale, and Wade Hampton, or their agent or agents, shall produce to His Excellency the Governor, a receipt signed by the Treasurer, that they have deposited the aforesaid sum of five thousand dollars, according to the tenor and effect of this Act, it shall then be the duty of His Excellency the Governor, and he is hereby required to issue and sign to the said John B. Scott, John C. Nightingale, and Wade Hampton, their heirs and assigns, in fee simple, as tenants in common, and not as joint tenants, a grant for the aforesaid land, they securing the last payment of thirty thousand dollars to the State, by a mortgage to His Excellency the Governor and his successors in office, on the whole of the land so granted, which mortgage shall be immediately foreclosed, in case default shall be made in the payment of the said sum of thirty thousand dollars, on or before the first day of November next, as aforesaid, in the Superior Court of any county within the State of Georgia, at the discretion of His Excellency the Governor; any law or usage, regulating the mode of foreclosing mortgages, to the contrary notwithstanding, and the whole sum of five thousand dollars, deposited, shall become forfeited to and for the use of the State; and the grant to be given to the said John B. Scott, John C. Nightingale, and Wade Hampton, as aforesaid, to be and the same in that case is hereby declared to be null and void.

XI. And be it further enacted, That the said Upper

Mississippi Company shall recover to and for the use of the citizens of Georgia, exclusively, the quantity of one hundred and thirty-eight thousand acres of their purchase, to be subscribed for, held and appropriated, on the same terms, and to be represented in like manner, as hereinbefore pointed out in respect to the lands reserved for the citizens in the Georgia Company.

XII. And be it further enacted, That all that tract of land, including islands, situate, lying and being within the following boundary lines: Beginning at the mouth of Bear Creek, on the south side of the Tennessee River; thence up the said creek to the most southern source thereof; thence due south to the latitude thirty-four degrees, ten minutes north of the equator; thence a due east course one hundred and twenty miles; thence a due north course to the Great Tennessee River; thence up the middle of the said river to the northern boundary line of this State; thence a due west course along the said line to where it intersects the Great Tennessee River, below the Muscle Shoals; thence up the said river to the place of beginning, shall be sold unto Zachariah Cox and Matthias Maher, and their associates, called the Tennessee Company, and to their heirs and assigns forever, in fee simple, as tenants in common, and not as joint tenants, for the sum of sixty thousand dollars, to be paid in specie, bank bills of the United States, and such warrants as are made payable in the Georgia Company's purchase, that is to say: Twelve thousand dollars to be deposited as part thereof, previous to the passing of this Act, and the remaining forty-eight thousand dollars to be paid on or before the first day of November next.

XIII. And be it further enacted, That whenever the said Zachariah Cox and Matthias Maher, and their asso-

ciates, or their agent or agents, shall produce to His Excellency the Governor, a receipt signed by the Treasurer, that they have deposited the said sum of twelve thousand dollars, according to the tenor and effect of this Act, it shall then be the duty of His Excellency the Governor, and he is hereby required to issue and sign to the said Zachariah Cox and Matthias Maher, and their associates, their heirs and assigns in fee simple, as tenants in common, and not as joint tenants, a grant for the aforesaid tract of country, they securing the last payment of the forty-eight thousand dollars to the State, by a mortgage to His Excellency the Governor, and his successors in office, on the whole of the land so granted; which mortgage shall be immediately foreclosed, in case default shall be made in the payment of the said sum of forty-eight thousand dollars, on or before the first day of November next as aforesaid, in the Superior Court of any county within the State of Georgia, at the discretion of His Excellency the Governor; any law or usage, regulating the mode of foreclosing mortgages to the contrary notwithstanding, and the whole sum of twelve thousand dollars deposited, shall become forfeited to and for the use of the State; and the grant to be given to the said Zachariah Cox and Matthias Maher, and their associates aforesaid, to be, and the same in that case is hereby declared to be null and void.

XIV. And be it further enacted, That the said Tennessee Company shall receive for and to the use of the citizens of Georgia, exclusively, the quantity of two hundred and forty-two thousand acres, to be subscribed for, held and appropriated on the same terms and to be represented in like manner as the lands reserved by the Georgia Company as aforesaid.

XV. And be it further enacted, That the said Tennessee Company shall reserve a further quantity of fifty thousand acres, to be gratuitously divided share and share alike between the Commissioners appointed by this State for the purpose of examining the quantity, quality and circumstances of the Great Bend of Tennessee River, which shall be held by them as tenants in common, and not as joint tenants, and be represented in like manner as the lands reserved by the other companies, for the use of the citizens, as a compensation to the said Commissioners for their services rendered the State in that capacity.

XVI. And be it further enacted, That all sums so paid by the citizens for lands subscribed for by them, agreeably to the terms of this Act, shall be received in payment and as part of the purchase money of the said companies respectively.

XVII. And be it further enacted, That the grants to be issued to the respective companies in virtue of this Act, shall be free from all further or other expense whatsoever, the fees of office accruing upon one grant to each company excepted, which shall be to the Surveyor-General, three dollars; to the Governor of the State, three dollars; and to the Secretary of State, three dollars; and that the lands to be granted in pursuance of this Act, shall be free from taxation until the inhabitants thereof are represented in the Legislature.

XVIII. And be it further enacted, That the said grantees and purchasers of the land aforesaid, shall forbear all hostile and wanton attacks on any of the Indian tribes which may be found within the limits of this State, and keep this State free from all charges and expenses

which may attend the preserving of peace between the said Indians and the grantees, and extinguishing the Indian claims to the territory included within their respective purchases; And provided, further, That this State and the Government thereof shall at no time hereafter be subject to any suit at law or in equity, or claim or pretension whatever, for or on account of any deductions in the quantity of the said territory, or for or on account of the amount of the purchase money to be paid as aforesaid, by any recovery which may or shall be had on any form or other claim or claims whatever.

XIX. And be it further enacted, That the money arising from the sale of the said territory, except what shall be appropriated to the extinguishment of Indian claims as herein after expressed, shall be vested in six per cents. or such other stock in the funds of the United States as may be directed by this or a future Legislature, and the interest arising thereon, or so much thereof as may be necessary, shall be applied to the payment of the Civil establishment and contingent expenses of the Government of this State.

XX. And be it further enacted, That immediately after the Indian claims to the land lying between the Oconee and Oakmulgee Rivers, including that tract of country lying east of a line to be drawn from the place called Fort Romulus, on the Oakmulgee River, to the head of St. Mary's River, or the northern extremity of the Akinfonoka Swamp, may be extinguished, the grantees of the several companies and their associates are hereby authorized to apply to the Government of the United States for their concurrence in extinguishing the Indian claims to the different tracts of country by

them severally hereby purchased, or as much thereof as to them may seem practicable, which extinguishment of claims to the lands so purchased shall be at the proper expense of the respective companies, and within five years thereafter the said companies shall severally form settlements on the lands where the claims may be so extinguished, or forfeit the further sum of five thousand dollars for each company so failing.

XXI. And be it further enacted, That the sum of ten thousand dollars, part of the first payment to be made by the companies aforesaid, shall be, and the same is hereby declared to be appropriated and set apart for the purpose of extinguishing the Indian claim in addition to the twenty thousand dollars appropriated by the Act, entitled "An Act for appropriating a part of the unlocated territory of this State, for the payment of the late State troops, and for other purposes therein mentioned."

XXII. And be it further enacted, That the several grantees and their associates, shall not be entitled to dispose of the said territory in part or in whole, in any way or manner to any foreign King, Prince, Potentate or Power whatever, which condition shall be specially expressed in the face of the grant.

XXIII. And be it further enacted, That all the lands lying westward and southward of the eastern boundary of the several company purchases and not included therein, estimated at one fourth of the whole lands lying westward and southward of the eastern boundary of the said purchases, and supposed to contain seven millions two hundred and fifty thousand acres, shall be, and the same

is hereby declared to be reserved and set apart to and for the use and benefit of this State, to be granted out or otherwise disposed of as a future Legislature may direct.

THOMAS NAPIER, Speaker of the House
of Representatives,

BENJAMIN TALIAFERRO, President
of the Senate.

GEORGE MATTHEWS, Governor.
January 7, 1795.

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